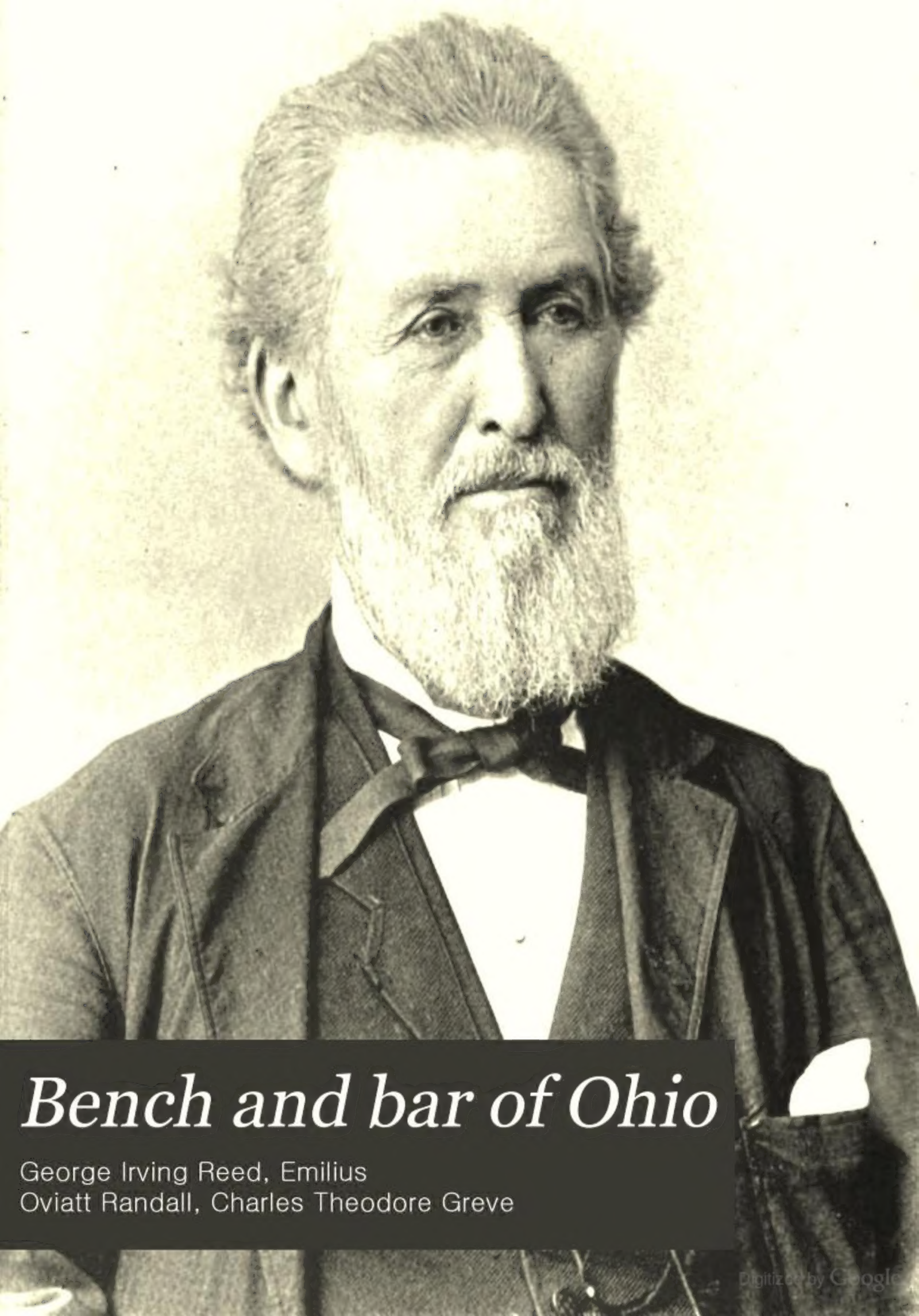

Bench and bar of Ohio

George Irving Reed, Emilius
Oviatt Randall, Charles Theodore Greve

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BENCH AND BAR

OF

OHIO

A COMPENDIUM OF HISTORY AND BIOGRAPHY

Illustrated with Steel-Plate and Half-Tone Engravings

GEORGE IRVING REED, A. M.
EDITOR

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VOL. I.

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PREFACE.

The publishers have aimed in this work to present an epitome of the history of the Courts and the Bar of Ohio. It covers a period of one hundred and ten years, opening with the settlement and organization of government in the Northwest Territory. Early authentic records are meager, and it has been necessary to search through all the volumes of history, the reports of memorial anniversaries, and countless pamphlets published by the Historical Societies, in order to find the data for a historical sketch. Court records have been laboriously examined and old settlers have been interviewed. All this painstaking to secure accuracy has involved prodigious labor, and in spite of all, errors will doubtless be found in the work. Perfection is very rarely attained by mortals. The biographical sketches of individual subjects have been submitted to themselves or their representatives, for correction and approval, whenever practicable. The rich biographical material has by no means been exhausted. The editor and publishers are pleased to acknowledge their appreciation of the generous assistance rendered by Honorable Richard A. Harrison, Columbus; Henry C. Ranney and Judge Franklin J. Dickman, Cleveland; General Benjamin R. Cowen, clerk of the United States District Court, Cincinnati; the associate editors and all others whose names appear as authors or editors of special articles. Generally, throughout the State, the enterprise has received encouragement from the foremost members of the profession.

October 16, 1897. THE EDITOR.

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BENCH AND BAR OF OHIO.

THE SUPREME COURT.

A HISTORICAL SKETCH.

EDITED BY GEN. MANNING F. FORCE.

The ordinance of 1787 was the bill of rights for the people of the territory northwest of the Ohio river. It was second in importance only to the Constitution of the United States, adopted during the same year and submitted to the States for ratification. Both were the work of the Continental Congress, and both the result of compromise and concession. The ordinance was a compact between the original States and the people of the territory and the States to be erected therein — a territory vast in extent, embracing the entire area west of the State of Pennsylvania to the Mississippi river and north of the Ohio to the boundary line of Canada. For nearly two centuries it had served as the gift of sovereigns to their colonial subjects and the cause of contention between rival kings. Adverse claims to its possession had been asserted by different colonies; and the savages had occupied it by a right more defensible than the right of discovery. King James had included it in his charter to the London and Plymouth Companies granted in 1606. It was embraced within the chartered limits of Virginia, extending from the Atlantic coast "up into the land throughout, from sea to sea, west and northwest." New York claimed it through the conquest of her Iroquois tribes. Massachusetts and Connecticut preferred jurisdictional claims on grounds more or less tenable. By the treaty between England and France, concluded in 1763, this Northwest Territory was attached to the province of Quebec, and the pretensions of France were restricted to the region west of the Mississippi. The claims of Revolutionary soldiers to the favor of the colonies and the bounty of the continental government influenced the cession of colonial claims for the common good, in order that a new empire might be opened to settlement by the men who had redeemed the land from tyranny. New York led the way in 1782, and one after another the others followed until all of the area had been ceded, except that Connecticut retained ownership of the land in the Western Reserve, in the northeast corner, and Virginia retained like ownership in the Virginia Military District, between the Little Miami and the Scioto rivers.

The ordinance, or compact, which was the beginning of law in the terri-

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tory, guaranteed the right of religious belief and freedom in worship; the benefit of habeas corpus; the right of trial by jury; proportionate representation in the legislature; full compensation for property taken or services exacted of the individual for the public benefit in emergency. It inhibited the infliction of cruel or unusual punishments: the depriving a man of his liberty or property except by the judgment of his peers or the law of the land; the enactment of any law impairing private contracts or engagements, *bona fide*, without fraud. Finally it declared that "neither slavery nor involuntary servitude shall ever exist in the territory, other than for the punishment of crimes of which the accused shall have been convicted." It was drafted by Nathan Dane, a benevolent and patriotic member of the Congress from Massachusetts, and a jurist of ability, who was assisted in some of the articles by Dr. Manasseh Cutler, agent and director of the Ohio Company. This learned and reverend doctor went to Philadelphia to secure the passage of the ordinance, and labored unremittingly until the final vote on its adoption was taken, July 13, 1787. The men who proceeded to erect a State under its wise provisions were not less remarkable than the ordinance. The Ohio Company, composed of general and line officers of the Revolutionary War, and organized in Boston at the instance of Generals Rufus Putnam and Benjamin Tupper, furnished the settlers. These were New England men of high character, dauntless courage, earnest purpose and noble aspirations. They were men of large intelligence and liberal education, embracing in numerous instances a classical university course. They had enjoyed exceptional social advantages; but their private fortunes had been dissipated by years of patriotic public service in the war for independence. Their minds were pervaded with sentiments of religion and humanity. Most of them possessed a belief in the doctrines of Christianity, and faithfully observed its duties and obligations. They were the personal friends of Washington, bound to him and to each other by common sympathy in the cause of liberty and companionship in its perilous defense. They were men who could be trusted to supplant barbarism with civilization, and lay the foundations of an ideal commonwealth. The Ohio Company bought one million five hundred thousand acres of land on both sides of the Muskingum river at its confluence with the Ohio, agreeing to pay therefor a million dollars in continental scrip, which was current for two-thirds of its par value. On the 7th day of April, 1788, the Mayflower, a craft less pretentious than its historic prototype, landed the first colony of forty-six New England emigrants at the mouth of the Muskingum. The work of building was at once begun, but the stockade and the block house necessarily preceded the court house and the church. The town site was named Marietta, in honor of Marie Antoinette, queen of France.

The Congress had made provision for the government of the territory by the appointment of General Arthur St. Clair for governor, Colonel Winthrop Sargent, secretary, and Samuel Holden Parsons, John Armstrong and James Mitchell Varnum for judges of the Supreme Court. These were clothed with limited legislative power, and the governor was authorized to appoint subordi-

nate officers in the civil and military service. The governor and judges, although appointed the preceding autumn, had not yet arrived and the young colony had neither laws nor rulers. Colonel Return Jonathan Meigs, Sr., became the lawgiver, *pro tempore*, by common consent. He drafted a code or system of regulations, on ordinary foolscap, which was carefully tacked up for ready reference on the trunk of a large oak, from which the rough bark had been removed. It is creditable to the self-restraint of the emigrants that history has recorded no infraction of these regulations, which were read and approved by all. Two months later the executive and judicial officers of the territory arrived, except Judge Armstrong, who declined the appointment. He had served with considerable distinction during the Revolution, on the staff of General Gates, and possessed literary as well as legal abilities. He was the author of the sensational "Newburg Letters," which were written to awaken Congress to an appreciation of the services and the destitution of soldiers in the field, and aroused such discontent as required the conservative diplomacy of the Commander-in-Chief to allay. He was a Pennsylvanian and held responsible offices in his State. Judges Parsons and Varnum exercised the supreme judicial power and, with the governor, or in his absence the secretary, performed the functions of a legislature until the arrival in December of John Cleves Symmes, who was appointed in place of Judge Armstrong. The judicial business was light at first, scarcely sufficient for diversion, and so the time of the judges was occupied largely with legislation. They proceeded to enact laws which in their wisdom seemed appropriate, but which Congress declined to approve. The court as a legislative council was empowered only to adopt laws selected from the statutes of the original States, and had no authority to enact new statutes. The Congress assumed that the codes and statutes of the original States were sufficiently comprehensive or elastic to meet all conditions; whereas the experiences of broad-minded, intelligent men encountering the actualities of a new settlement convinced them that original legislation was imperative. It may be regarded as singular in the light of subsequent history that great men in the Congress of the confederacy, who were the especial guardians of the rights of States and the champions of local self-government, should be so careful to reserve for themselves in the general government the prerogative of vetoing or nullifying local legislation by the settlers of the territory; or that they failed to apprehend the marked dissimilarity in the physical conditions and wants of the emigrants in the new territory and those of the citizens of Virginia and Massachusetts. But men of the past were jealous of power and that was a hundred years ago! A law published by the Supreme Court, sitting as a legislature, September 6, 1788, defined numerous crimes and provided penalties. Among these were treason, murder, manslaughter, arson, burglary with theft, burglary with personal violence, burglary with homicide, robbery, riots, unlawful assemblies, perjury, subornation of perjury, obstructing authority, receiving stolen goods, larceny, forgery, usurpation, assault and battery, drunkenness (a penalty of five dimes for first offense, and one dollar for each repetition, and one hour in the stocks

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for neglect or failure to pay the fines). There was an act providing against improper or profane language; another to encourage a religious observance of the Sabbath.

The first duly appointed Court of Common Pleas in the territory held its opening session in Marietta, September 2, 1788, with Generals Rufus Putnam and Benjamin Tupper and Colonel Archibald Crary as the judges. It was an occasion of great interest, attended with pomp and ceremony due an event of such importance. Judges Parsons and Varnum of the Supreme Court graced the occasion by their presence. It was held in the residence of Colonel Battelle, the northwest block house of Campus Martius. The parade included the governor and judges and all the inhabitants, and was observed with interest by the Indians of the neighborhood. The procession was formed at the point, half a mile distant from the block house. As the photographer had not yet arrived with his art, the scene lacks the modern luminous illustration obtained from snap shots of the kodak in the hands of the enterprising amateur; but fortunately the graphic description by the local historian, which has been preserved and handed down, needs no artistic illustration. The procession was led by the high sheriff, Colonel Ebenezer Sproat, with drawn sword in his right hand, and in his left the wand of his office. He was a commanding figure, six feet four inches in height and symmetrically proportioned. He had borne a conspicuous part in numerous battles of the Revolution, and had the bearing of a soldier. The United States officers from Fort Harmer, with their bright uniforms and glistening swords, added to the martial aspect of the scene. The imposing procession, made up almost entirely of generals and colonels and majors and captains, who had by their courage and patriotism established the right of self-government on this continent, marched to celebrate the dawn of juridical history in the little colony. When all were assembled in the hall the solemn services were opened by prayer by Rev. Manasseh Cutler. The court was organized by reading the commissions of the judges, the clerk and the sheriff, after which the latter, by proclamation, declared it open for business. General Putnam presided and charged the grand jury. The duties of clerk were executed by Colonel Meigs, author of the first laws or regulations governing the settlement.

Paul Fearing was admitted at this term to practice in the courts of the Northwest Territory, received a certificate from Judges Mitchell and Varnum and subscribed to the following oath, written by his own hand: "I swear that I will do no falsehood nor consent to doing any in the courts of justice; and if I know of any intention to commit any I will give knowledge thereof to the justices of said courts or some of them, that it may be prevented. I will not willingly or wittingly promote or sue any false, groundless or unlawful suit, nor give aid or consent to the same, and I will conduct myself in the office of an attorney within the said courts according to the best of my knowledge and discretion, and with all good fidelity, as well to the courts as to my clients, so help me God." He was not a ready speaker, or confident of himself, as indicated by his first effort in argument before the Supreme Court:

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"May it please your honors — May it please your honors — I have forgotten what I intended to speak." This was the beginning and the end of his argument. He became a successful lawyer, practicing in all the courts of the territory. He was honest, fair and candid; substantial and safe rather than brilliant; favored with a cheerful disposition. He was a member of the legislature in 1789–90, and elected to Congress in 1801. He served a term as judge of probate and in 1810 was associate judge. He was a native of Massachusetts, a graduate of Harvard, read law in Windham, Connecticut, and came to Marietta June, 1788. This chronicle is inserted here because Judge Fearing was the first lawyer admitted to practice in the territory.

Settlements between the Miami rivers were effected through the Miami Company, of which Judge Symmes was the promoter and manager. For their government a code of by-laws defining offenses and prescribing penalties, providing for trial by jury and appointing William McMillan judge, was adopted by a public meeting of citizens. The first term of court in Cincinnati, under a general law of the territory, was held in February, 1790. George Turner, one of the associate judges sitting in this session, was appointed judge of the Supreme Court of the territory in place of Judge Barton. He seems to have made little impression on the history of the times or the records of the court.

Prior to the adoption of the Constitution of the United States, the general or Supreme Judges of the territory were appointed by Congress; but when that instrument became operative in 1789, by the ratification of three-fourths of the original States, these judges were nominated by the President and by him appointed, with the consent of the Senate. August 20, 1789, S. H. Parsons and John C. Symmes were reappointed, and William Barton was named in place of Varnum, deceased. Judge Barton declined to serve, and the President app inted George Turner, who qualified and served until 1796, when he resigned. Return Jonathan Meigs, Jr., was appointed to fill the vacancy in February, 1798. The successor of Judge Parsons was General Rufus Putnam. He was appointed in March, 1790, and served until December, 1796, when he resigned to accept the position of surveyor-general. Joseph Gilman was appointed to the vacant judgeship. Judges Gilman, Symmes and Meigs served until the State was admitted into the Union, in 1803.

James Mitchell Varnum, of Welsh descent, was born in Dracut, Massachusetts, 1749; was graduated from Brown University (then Rhode Island College) in 1769, with class honors. After teaching a classical school for a short time he studied law in Providence and settled in East Greenwich, Rhode Island, for practice on the circuit. He served with honorable distinction in the Revolutionary War and attained the rank of brigadier-general. In the practice of law he excelled as an advocate. He was a brilliant orator, a man of large abilities and tender sympathy. He advocated with earnestness and power the ratification of the United States Constitution by his State. His eloquence first charmed the settlers at Marietta in a patriotic oration on the

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Fourth of July, 1788. He possessed that magnetic power which stirs the emotions of the multitude, and secures the sympathy of the individual. His manners were pleasing and his dress fastidious; his tastes literary and sensibilities refined. He died of consumption in January, 1789, after a residence of seven months in the west. A letter addressed to his wife, in contemplation of death before meeting her again, is full of pathos and tenderness, while it discloses his spirit of perfect trust in a Higher Power and resignation to His will.

Samuel Holden Parsons was born at Lyme, Connecticut, May 14, 1737. His father, Jonathan Parsons, was a renowned clergyman and his mother a descendant of Henry Wolcott. He was graduated from Harvard at the age of nineteen, studied law with his uncle, Governor Matthew Griswold, and upon his admission to the Bar in 1759 settled in Lyme for practice. He was an original thinker and a man of practical views. He is said to have been first to suggest a colonial congress to confer in regard to the general welfare. This was done in a letter to Samuel Adams dated February 3, 1773, and doubtless influenced the subsequent action. The scheme of seizing Ticonderoga, successfully carried out by Colonel Ethan Allen, was planned by Judge Parsons, according to a family tradition. It was significant as the first aggressive, hostile act in the Revolution. His services in the war for independence were characterized by ability, courage and lofty patriotism, winning a general's commission. He was a director of the Ohio Company and one of the three original judges of the territory appointed by Congress, was reappointed by Washington and made Chief Judge, serving in that capacity until his death, November, 1789. As commissioner of his native State he went into the interior of the territory to treat with the Indians and extinguish their title to lands in the Western Reserve, and as he was returning to Marietta was drowned in descending the rapids of Big Beaver river. Judge Parsons was a man of versatile talents—an able jurist, a capable lawyer and a valuable citizen.

John Cleaves Symmes was born on Long Island July 21, 1742. In early life he was successively a teacher, surveyor and lawyer. He removed to New Jersey, where he gained a high reputation in his profession. He was a judge and Chief Justice of the Supreme Court and member of the constitutional convention held in that State at the beginning of 1788. He was also an officer in the army and a member of the Continental Congress. His service as a member of the territorial Supreme Court covered a longer period than that of any other judge, and it is quoted as a historical fact that he never missed a term of the Supreme Court of the territory, whether held in Detroit, Vincennes, Cincinnati or Marietta. His training in the law before removing west was more thorough than that of his associates and his judicial experience more extended. In connection with Judge Turner and Secretary Sargent he enacted prohibitory legislation at Vincennes, to suppress gambling and the sale of spirituous liquors; but Congress declined to approve the act. Judge Symmes died at Cincinnati in February, 1814. His daughter Anna was the wife of General William Henry Harrison.

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JOSEPH GILMAN was the third generation from John, the English emigrant. He was born in Exeter, New Hampshire, 1736. He was chairman of the committee of safety for his State during the Revolution and proved himself a firm, strong, resourceful man. His private fortune was given freely to equip New Hampshire soldiers and he was reimbursed in worthless paper. He was the unswerving advocate of independence and the staunch friend of Samuel Adams and his compatriots. He was a member of the Ohio Company and settled in Marietta in 1789, with his wife and son, B. Ives Gilman. He was appointed judge of Probate and Quarter Sessions by Governor St. Clair, and while serving in that capacity, was appointed judge of the Supreme Court by the President. He was not a profound lawyer, but a careful, upright judge. He was candid and usually guided to correct conclusions by his strong common sense, industry and desire to be right. He was a student and also possessed admirable social traits. He died in 1806.

RETURN JONATHAN MEIGS, JR., son of the first territorial lawgiver, was born in Middletown, Conn., in 1765, graduated from Harvard at twenty, studied law in his native State, and came to Ohio with his father in 1788. Governor St. Clair appointed him in 1790 a commissioner to the British commander at Detroit, a delicate and responsible mission for a young man of twenty-five years. He was an active participant in the Indian wars and served with such distinction as to receive a regular appointment to the rank of lieutenant-colonel. He practiced his profession in the courts until 1798, when President Adams appointed him judge of the territorial Supreme Court. He was elected by the legislature one of the judges and the first Chief Justice of the State of Ohio under the constitution of 1802, and served two years; was then appointed to a district in Louisiana. In 1807 he was appointed judge of the United States District Court of Michigan and soon afterwards elected governor of Ohio. The Supreme Court held that he was ineligible on account of residence in Louisiana and Michigan, but his services were not lost to the State, as the legislature elected him to the United States Senate for the unexpired term of the Hon. John Smith, who was charged with complicity in the Aaron Burr conspiracy and resigned to avoid impeachment. At the close of this term, in 1809, Judge Meigs was re-elected for the full senatorial term; but the people of Ohio elected him governor the following year and he served in that capacity until 1814. He was the "war governor" of the State and displayed unusual ability in organizing the militia, fortifying the posts, protecting the settlers and assisting General Harrison. He was appointed Postmaster-General by President Madison, to succeed Gideon Granger, and served from 1814 to 1823, when he retired to private life. Death came to him in his peaceful home at Marietta in 1825. The practical politician of the present age may affirm that the judicial opinion of the ineligibility of Judge Meigs to the governorship is defensible on partisan grounds. Others may believe that the judges rendering the opinion may have been unconsciously influenced by the fact that the politics of the governor did not correspond with their own.

As Governor Meigs was the second generation to bear that peculiar

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Christian name found nowhere in history outside of his family, a reference to its origin in this connection is excusable. His grandfather, Jonathan Meigs, courted an attractive Quakeress near Middletown, Connecticut, and suffered a nonsuit on two occasions. He was a persistent suitor, however, and pleaded earnestly for a new hearing and a reversal of judgment. Again unsuccessful, he had turned from the presence of his idol, mounted his horse and was slowly riding away, when the good spirit moved the heart of the gentle Quakeress to set aside the judgment thrice decreed and grant the prayer of the petitioner. Hastening to the cabin door, she shouted, "Return, Jonathan. Return, Jonathan." The happy lover returned, a marriage followed, and the "Return," prefixed to his own good Bible name "Jonathan," was applied to their first-born at his christening and descended with manifest family pride to the second generation and some collateral branches. Few men in the annals of the Ohio Company, or the history of the Northwest Territory and the erection of the Ohio State government, occupied a position of dignity, responsibility and usefulness equal to that maintained by the Meigses, father and son.

General Rufus Putnam was pre-eminently a soldier. He was educated early to the profession of arms by entering the service of George II. in the colonial war of England against France in 1757, receiving a commission from the governor of Massachusetts colony. His opportunities of acquiring literary education were very meager, although he became a practical surveyor and civil engineer. His skill in the profession secured his appointment as member of a commission in 1772 to survey and allot lands in the southern colonies which had been granted to the provincial soldiers, but the work was cut short by an order of King George III. suspending land grants for the purpose. He volunteered his services among the first patriots of the Revolution, and served until independence was achieved and the army disbanded. At the request of General Washington he constructed the fortifications at Boston, for which he received special commendation of the commander-in-chief. The personal friendship became intimate between Washington and Putnam. The latter was the prime mover and really founder of the Ohio Company. He was appointed its first manager with plenary powers. He came out to the Northwest Territory with the first colony of settlers, superintended the construction of their defenses and became identified with the civil history from the beginning. The governor appointed him judge of the first Court of Common Pleas. In 1790 he was appointed judge of the Supreme Court to succeed Judge Parsons and held the office more than six years, resigning to accept the more lucrative position of surveyor-general of the United States, tendered him by President Washington. Judge Putnam was a born leader. To his English descent may be attributed his firmness of character and resolute determination in the prosecution of a purpose. His inherent love of justice was typified by the balance, which he adopted as the emblem of his judicial office. He was born at Sutton, Massachusetts, April 9, 1738, and died at Marietta May 4, 1824. His relative, General Israel Putnam, was more conspicuous in the country's military history, but not more renowned for generous traits and the possession of virtues

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most admirable in man. Judge Putnam's liberal, practical education was acquired by observation and actual contact with the foremost men of the age. He was six feet in height, and stout, but his calmness of demeanor and resolute expression of countenance must be considered in connection with his commanding presence in estimating the qualities which fitted him for leadership. He was a Christian in belief and practice.

Under the judicial system of the territory the calendar of the Supreme Court was arranged so as to hold a term in Detroit, Vincennes, Cincinnati and Marietta each year. The judges made the journeys on horseback, usually accompanied by members of the Bar. The time occupied in these itineraries and the camp life *en route* tended to the cultivation of good fellowship and gave opportunity for the discussion of legal problems, if not for the judicial consideration of cases. They carried most of the law in their heads, so as to have room in their saddlebags for a change of linen—a fresh dickey or two. None of them indulged in the modern luxury of silk night-shirts. It is worth while to remember that law books were not so numerous then as now. Simeon Greenleaf, author of the Treatise on the Law of Evidence, was only six years of age, and Joseph Chitty was only thirteen. Thomas Chitty was not yet born. The Commentaries of the great chancellor, Kent, were published forty years later. "Story on the Constitution" of the United States; on Equity Jurisprudence; the Conflict of Laws, and on the Law of Agency came out nearly half a century after these lawyers and jurists rode the circuit in the new Northwest. They did not even have the benefit of the "Newgate Calendar"! Blackstone's Commentaries on the Laws of England were yet very new. It is probable they relied largely upon the Bible for law as well as inspiration, and besides that reveled in the "treasure of learning" found in "Coke upon Littleton," which had been given to the English-speaking race three hundred years before. At any rate they were men learned in the law and accomplished in horsemanship.

The first body of laws for the government of the territory was selected from existing statutes; it was compiled by the governor and judges in 1795, and printed at Cincinnati. At that time the Supreme Court, composed of three judges having a salary of $800 a year, had original and appellate jurisdiction in all civil and criminal cases—exclusive jurisdiction of cases of divorce or alimony. A legislative assembly chosen by the people met in 1798, and nominated ten men, from whom the President of the United States appointed five to constitute a Legislative Council, in lieu of a Senate. This was the inauguration of the second grade of territorial government. The requisite qualifications of an elector were that he should have a freehold of fifty acres, be a resident of the district and a citizen of some State. A residence of three years and a freehold of two hundred acres qualified a free, white male inhabitant over twenty-one years of age for the office of representative; while a member of the council was required to own five hundred acres. In 1800 the Northwest Territory was divided, setting off Ohio by two intersecting lines—one drawn due north from the mouth of the Great Miami river, the

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other due east from the most southerly bend of Lake Michigan. Other boundaries, already fixed, were the Ohio river and the west line of Pennsylvania. All of the remainder of the Northwest Territory was organized as the Territory of Indiana, and the judges hereinbefore mentioned were relieved from holding court in Detroit and Vincennes. In 1802 a convention was held for the formation of a Constitution preparatory to the admission of Ohio into the National Union. This convention, composed of thirty-four members, met on the first day of November and concluded its labors on the twenty-ninth day of the same month. It assumed the entire responsibility of adopting a Constitution for the State and made provision for its becoming operative without ratification by popular vote. Whether it was because of any fear that it would be rejected, or because of an assumption that it was no concern of the people; or because the members concluded that ample authority had been delegated to them to adopt, approve and ratify a Constitution, does not clearly appear from the debates. The work of the convention was done promptly and courageously, and Ohio became a State with less than the usual formality. The highest judicial power was by the Constitution vested in a Supreme Court composed of three judges (with permission for a fourth after five years) elected by joint ballot of the general assembly for a term of seven years; having original and appellate jurisdiction as to matters of law and equity; providing that two of the judges should constitute a quorum for the determination of cases. The governor was authorized to fill vacancies by appointment when the legislature was not in session. A session of the Supreme Court each year in every county of the State was required, giving it the appearance and some of the functions of a county court. The legislative act organizing the courts and defining their duties gave to the Supreme Court original jurisdiction in all civil cases where the amount in controversy exceeded one thousand dollars, whether the proceeding was at law or equity, and appellate jurisdiction of all actions brought originally in the Common Pleas. It had concurrent jurisdiction in the issuing of writs of error and certiorari. While the system imposed upon the judges a vast amount of labor, it also involved some confusion in the adjudication of cases. The tendency to this was greater because of division of the State into two circuits and the simultaneous holding of court in both. This was done after a second act of the legislature, increasing the number of judges to four and empowering two of them to hear and adjudicate cases, which was in force from 1815 during the life of the Constitution. It was possible without a general conference on each important question to have different constructions and opposite opinions of the law emanating from the Supreme Court of Ohio at the same time. That such conflicts were rare is complimentary to the intelligence, wisdom and sound reasoning of the judges. The necessity or advantage of a court of review and last resort became more real as the years passed, and the legislature enacted a law in March, 1831, providing for a general term of the Supreme Court to be held annually in Columbus, attended by all of the judges. This was the Court in Bank. Its duty was to hear and adjudicate finally the causes which had been reversed by some of

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the judges sitting in the circuit on appeal from the Courts of Common Pleas. It was indeed and solely a reviewing court and a court of last resort in the State. The importance of making official reports of the cases adjudicated and the reasoning by which such a conclusion was reached in each case, for the information and guidance of inferior courts as well as attorneys at law, was recognized, and the system of official reporting inaugurated. Prior to that time no such reports had been published, and in fact, so long as the jurisdiction was divided, or the decisions were subject to review, the necessity was not imperative. The "Old Supreme Court," as that under the first Constitution had been designated, was always respectable and above the suspicion of dishonesty. No member of it was ever impeached. Most of the judges had received not only a liberal education, but the discipline and finish incident to a classical course of study. A majority of them were graduates of Yale or Harvard. They were generally learned in the law, and some of them became eminent, not only in the profession, but in political office. A large preponderance of them were born, reared and educated in New England, where the Ohio Company originated. Of the thirty judges comprising the court during the half century of its existence, the State of Connecticut furnished eleven, Massachusetts seven, Vermont, New Hampshire and Rhode Island each one; New Jersey three, Virginia three, New York one, Maryland one and South Carolina one. More than two-thirds of the whole number hailed from New England, coming west fully equipped either for the practice of law or judicial service.

SKETCHES OF THE JUDGES.

The judges comprising the first Supreme Court under the State government were Return Jonathan Meigs, Jr., of Washington county, who had served five years in the Supreme Court of the territory; Samuel Huntington of Cuyahoga and William Sprigg of Jefferson. The first two were appointed by the legislature, March 1, 1803; the third was not appointed until April 2. Judge Meigs resigned after two years of service under this appointment, and was succeeded by Daniel Symmes of Hamilton county. Judge Sprigg, concerning whom history has recorded nothing of importance, resigned in 1806, and was succeeded by George Tod of Trumbull county, in February, 1807.

Samuel Huntington was a native of Connecticut, born in Coventry October 4, 1765. He was a nephew of the signer of the Declaration, by whom he was adopted and educated. He studied law, was graduated from Yale in 1785, was admitted to the bar of Norwich in 1793, and practiced in his native State until 1800, when he made a tour of the settlements in the Western Reserve, and went down to Marietta, where he formed the acquaintance of Governor St. Clair. After stopping a short time in Youngstown he settled in Cleveland in 1801, and was soon recognized as a gentleman of broad scholarship and superior talents. He possessed larger wealth than the average frontiersman of the times, and lived in comparative luxury in his smart log dwelling. His

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family comprised a wife and two sons, with a governess brought with them from New England. He was active, enterprising and thrifty; affable in social intercourse, correct in business methods. He was a member of the constitutional convention in 1802, and immediately afterward a senator representing Cuyahoga county, and was chosen speaker of the Senate. He was ambitious and remarkably well qualified for a public career. After serving four years of his term as judge of the Supreme Court he resigned to accept the governorship of the State, to which he had been elected. In the office of governor he displayed rare executive ability. His diminutive stature was supplemented by abundant intellectual force and nervous energy, so that his personality made an impression upon the State during the formative period. He was a just man, whose innate sense of fairness enforced impartial judgment regardless of the wealth or social standing of parties.

George Tod was a native of Suffield, Connecticut, born December 11, 1773. His advantages in youth were well improved, and he was graduated from Yale in 1795. For a short time thereafter he engaged in teaching at New Haven, in order to obtain ready money to defray expenses while pursuing his legal studies in the school of Judge Reeves at Litchfield. After admission to the Bar, he came to Ohio in 1800, well qualified for practice, and settled in Trumbull county. During the same year he prosecuted the pleas of the United States in the first court of Quarter Sessions held at Warren. He also served for a time as secretary of the territory. In 1802 he was appraiser of taxable property. His scholarship, abilities as a lawyer and prominence in affairs gave him exceptional qualifications for judicial service, and his record as judge during the three years he occupied the Supreme Bench added to his fame. He was elected to the State Senate, and after the war of 1812-14, in which he served with honorable distinction, he was president judge of the Court of Common Pleas and also prosecuting attorney. He was the father of David Tod, the governor of Ohio during the first years of the war of 1861-5. In politics he was a Whig, and although seventy-seven years of age, was an active supporter of General Harrison's candidacy for President in 1840.

Daniel Symmes, who succeeded Judge Meigs, was a nephew of John Cleves, "the patriarch of the Miami wilderness." He was born in Sussex county, New Jersey, in 1772, educated in Princeton College, and came west with the family, among the first settlers in the Miami Purchase. He practiced law in Cincinnati and represented Hamilton county in the State Senate. After the close of his term on the Supreme Bench he was appointed register of the land office at Cincinnati, and held the office about seven years. He died at the age of fifty-five.

Thomas Morris was appointed judge of the Supreme Court in 1809, from Clermont county, under an act of the legislature passed that year increasing the number of judges to four; but as the next legislature repealed the act, his judicial service as a member of the highest court was only nominal. He was a native of Virginia, born in 1776, and came to the territory in 1795, working as a farm hand while he studied law. He was admitted to the bar in 1804 and

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became a very successful lawyer, taking rank with the ablest. He was a member of the legislature twenty-four years, and in 1832 was elected to represent the State in the United States Senate. He was unalterably hostile to slavery and maintained the right of petition in the Congress of the United States, and the freedom of the press, against such orators as Calhoun. He was aggressive, honest, brave and conscientious; but the Democratic party, to which he belonged, did not sympathize with his intense opposition to slavery, and he was retired at the close of a single term. Two of his sons, Jonathan D. and Isaac Newton, were successful lawyers and both of them served in Congress.

Thomas Scott was first appointed to fill a vacancy on the Supreme Bench in 1809 and reappointed for a full term the following year, but resigned five years later on account of the inadequacy of the salary. He was a native of Allegheny county, Maryland, born in 1772, and descended from Scotch-Irish ancestry on his father's side and Welsh-English on the side of his mother. His experience as a lawyer was peculiar and not altogether agreeable to himself, because of the alleged opposition of his church. He was educated for the ministry and settled in Kentucky as a circuit-rider in the Methodist Episcopal Church. In 1800, as related in his autobiography, he was admitted to the Bar at Lexington, Kentucky, after a course of reading under Honorable James Brown, and made his home in Flemingsburg. He was appointed prosecuting attorney for Fleming county and gained a little practice, but acknowledges that he did not succeed well. He claimed to have studied the elementary textbooks, but never read a "book which treated on practice either in the courts of law or equity." And yet he attributes his want of success to the influence of the Methodist Church, which he asserts was arrayed against him because he had abandoned the ministry for the law. He moved to Chillicothe in 1801, and soon afterwards was appointed to fill the office of clerk of the Courts of Common Pleas, Probate and Quarter Sessions. Subsequently he served as prosecuting attorney for half a dozen counties, and after his retirement from the Supreme Bench he represented Ross county in the legislature for one term. In 1822 he was a member of a commission of three appointed to revise the laws of the State. Under an appointment of President Jackson, in 1829, he held the position of register of the land office at Cincinnati for more than fifteen years. It would appear from this record that the baleful influence of the church was exhausted in preventing his success as a lawyer and in no wise exerted to interfere with his perennial aspiration to public office.

Wm. R. Irvin was a native of Albemarle county, Virginia, born in 1778, came to Ohio early, studied law at Lancaster and became a member of the Bar of Fairfield county, whose later fame was hardly surpassed by that of any other in the State. He represented that county in the legislature and was appointed judge of the Supreme Court in 1810. As a Jackson Democrat he was elected to Congress in 1828 and served one term.

Ethan Allen Brown, appointed to the Supreme Court from Hamilton county in 1810, was a man of high legal and literary attainments. He was

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born at Darien, Connecticut, July 4, 1776, simultaneously with the independence of the American colonies. He enjoyed unusual advantages in education. He was a critical student of language under the tuition of a noted linguist and a student of the law under the instruction of Alexander Hamilton. While engaged in mastering the principles of the law he might easily have become indoctrinated in the system of political economy of which his instructor was the greatest exponent; but he was a Democrat to the end of his life. In 1802 he settled in Cincinnati, where he soon acquired a large and profitable practice. In 1810 he was appointed judge of the Supreme Court and served the full term. In 1818 and again in 1820 he was elected governor of the State, but resigned soon after his second election in order to accept an election to the United States Senate for half a term. For five years he filled the office of canal commissioner, and in 1830 President Jackson appointed him minister to Brazil for a term of four years and then commissioner of the land office for little more than one year. After his retirement to private life he removed to Indiana and died at Indianapolis in 1852. Judge Brown was a man of large abilities and liberal learning, qualified alike for the honors of his profession and the responsible duties of political office. His conspicuous public career, extending over a period of forty years, left his reputation unclouded.

Calvin Pease, appointed judge of the Supreme Court from Trumbull county in 1815, was a noteworthy character in the judicial history of the State. Without the advantages of education and culture possessed by some of his associates, he was not excelled by any of them in the peculiar association of faculties which enables the judge to detect sham and sophistry, and to discern the essence of a controversy or the applicability of a statute. He was transplanted in the vigor of young manhood to "New Connecticut" or the Western Reserve, from the "Land of Steady Habits." His birthplace was Suffield, and the date of birth September 9, 1776. He studied law in the office of Gideon Granger, and began practice in New Hartford in 1798. Early in the year 1800 he came to the territory, and when the first Court of Common Pleas and Quarter Sessions was held at Warren, in the new county of Trumbull, in August of the same year, he was appointed clerk. In October following he was admitted to the bar and at onoe engaged in general practice. His first judicial appointment came in April, 1803, when he was appointed presiding judge of the Third Circuit. After seven years of service on the Circuit Bench he resigned and resumed the practice. An incident of historic interest during his term was the attempted impeachment of himself and George Tod, associate judge of his circuit, for holding unconstitutional an act of the legislature. The lawmakers, jealous of their prerogative, and assuming that Ohio legislative enactments, like those of the British Parliament, were above criticism, sought to discipline the offending judges for their temerity in thus invading their own peculiar domain. The act in question provided that justices of the peace should have jurisdiction in civil cases to the amount of fifty dollars —without the right of trial by jury. The judges held it to be in conflict with the Constitution of the United States, which declares, "In suits of common law

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when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved"; and in conflict also with the clause of the State Constitution declaring, "The right of trial by jury shall be inviolate." The House of Representatives, with offended dignity, repaired to the Senate Chamber, December 27, 1808, and the trial was opened by the solemn proclamation of the Sergeant at Arms: "O yes! O yes! O yes! All persons are to keep silence under pain of imprisonment, while the grand inquest of the State is exhibiting to the Senate of Ohio articles of impeachment against Calvin Pease, president of the Courts of Common Pleas, Third Circuit." There were three charges against Judge Pease, and one against Judge Tod, who at the time of this proceeding was one of the judges of the Supreme Court. The trial lasted several days. The suit was vigorously prosecuted on behalf of the legislature by Judge Thomas Morris, who received his political reward the following year in an appointment to the Supreme Bench. It resulted, not in impeachment, but a vindication of the judges, and established irrevocably the principle of co-ordination of power in the three departments of government. Since that time the right of a State Court to pass upon the constitutionality of any legislative act has not been seriously questioned. In 1812 Judge Pease was elected to the State Senate; in 1815 and again in 1822 was appointed judge of the Supreme Court, serving two full terms of seven years each. He possessed a keen sense of humor, was a good story teller and occasionally fond of a practical joke. It is related in history that during the first year of his residence in Warren he coached a young justice of the peace on the marriage ceremony and then accompanied him on foot to Ravenna, twenty-five miles distant, in order to prompt him in case he should blunder while joining a young couple in wedlock. The justice proceeded without embarrassment, pronounced the contracting parties husband and wife, closing with the invocation, "And may God have mercy on your souls." The half suppressed titter of the witnesses suggested to the officiating squire that he had been victimized by his legal adviser, but it was passed as a good joke. Judge Pease was a man of great dignity and strong convictions. In a reminiscence of his first visit to a court room Judge Thurman says: "There sat, presiding, one of the finest specimens of manhood I ever saw, Calvin Pease, then Chief Judge of the Supreme Court, dressed in a way that would make a dude faint, the most perfect dress I ever saw on a man, and the nicest ruffles to his shirt bosom, looking the very *beau ideal* of a gentleman of the olden time. By his side sat Peter Hitchcock. Now what a team that was! Woe unto the man who had a bad cause and tried to palm it off onto them! What great men they were! Hitchcock was on the bench much longer than Pease, though Pease achieved a wonderful reputation and a deserved one, so much so that Thomas Ewing once said to me that of all the judges he had ever appeared before, in his opinion Calvin Pease was the greatest."

JOHN MCLEAN, elected to the Supreme Court from Warren county in 1816, was one of the very eminent jurists of the State. In youth he struggled with poverty, and his professional success was the result of his own purpose and

energy. No man planned for him or prescribed his course of preparation. He came into the territory of Ohio at the age of twelve from his native State, New Jersey, where he was born March 11, 1785. He worked on his father's farm in Warren county until eighteen, attending the district school a portion of each year; filled a clerical position of subordinate rank in the Hamilton county clerk's office, and at length studied law in the office of Arthur St.Clair, son of the territorial governor. He served in Congress two terms, and on the Supreme Bench from 1816 to 1822, when he resigned to accept the commissionership of the general land office. The following year he was appointed postmaster-general, and exhibited surprising executive talent and force in the administration of that most important department of the public service. As Judge McLean's highest judicial reputation was made as a Justice of the United States Court, a more extended biography, together with the estimate of his character, is reserved for consideration in an article relating to the federal judiciary.

Jessup Nash was appointed one of the judges of the Supreme Court by the governor in 1816 and held the position until death, in 1821. He was a native of Redding, Connecticut, born August 3, 1778, a student from early childhood and a graduate of Yale in 1802. After studying law in his native State he came to Ohio and was admitted to practice in 1805. He was a gentleman of literary taste and substantial legal attainments, but died at the age of forty-three, before his intellectual powers had reached their complete development. He observed throughout life the habits of a student and spent much time in the privacy of his home and the companionship of books. His law library was well selected, while his collection of miscellaneous books was one of the largest and most valuable in the State. The former was bequeathed to his friend, Judge Thompson; the latter to his sister, Mrs. Burr.

Peter Hitchcock is a name that reflects luster on the judiciary of the State. His service on the Supreme Bench was longer than that of any other judge, and marked by ability and dignity scarcely excelled by any. He was born in Cheshire, New Haven county, Connecticut, October 19, 1781, the son of a poor man; so that he was obliged to rely mainly upon his own resources for the preparation essential to success in life. He engaged in teaching and with the money thus earned paid his expenses in Yale College, which he entered at the age of seventeen. He was graduated at twenty-one, entered upon the study of law immediately; was admitted to the Bar and settled in his native town for the practice in 1804, when only twenty-three years old. At that time the New West offered a wide field for an ambitious, enterprising young man and attracted many of the most talented and highly educated sons of New England. Young Hitchcock came to Ohio in 1806, entered land in Geauga county, on which he cleared a farm and founded his home. Without capital in money, his life was a struggle for existence while clearing the forests. The fees from law practice in the sparsely settled community were inadequate even for the moderate expenses of a pioneer, and he resorted to teaching school during the winter months. It was not in the nature of things

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that he should remain long in obscurity. He was amply qualified for public service and the State needed such men. In 1810 he was elected to the Lower House of the legislature, and in 1812 was elected to the Senate. His position was that of a leader in both branches of the general assembly. In 1816 he was elected to Congress and three years later was elected judge of the Supreme Court from Geauga. At the close of his first term of seven years he was re-elected, and his second term expired in 1833. After a retirement of two years he was elected a third time in 1835, and ten years later was elected to a fourth term, serving until 1852. His aggregate service on the Supreme Bench of the State covered a period of twenty-eight years, twenty-one of which he was Chief Justice. He possessed unusual capacity for mental application and physical endurance. Confident of his powers and resources, he was ready to assume any responsibility, and usually acquitted himself with the highest credit. His mastery of the principles of law and familiarity with the statutes led to the manifestation of impatience on the bench sometimes, when counsel sought to convince and overawe the Court by a display of authorities The brusqueness of his manner, however, seldom occasioned offense; and the plainness of his opinion was rather irradiated than obscured by its hasty, impulsive expression.

Jacob Burnet was appointed from Hamilton county in 1821 to fill out the term of Judge Couch (who died in office), and afterwards elected for a full term, but resigned in 1828 to accept the United States senatorship. He was a Jersey boy, born February 22, 1770, and educated in the old Nassau Hall, Princeton. He began the study of law soon after attaining his majority, and received a license from the Supreme Court to practice, at the age of twenty-six. Attracted by the fame of the magnificent country in the Miami Valley, he came west and settled in the straggling village of Cincinnati in 1796. Two years later he was appointed a member of the Legislative Council provided for in the ordinance of '87 as preliminary to a Territorial Legislature. No member of that body was more active, industrious and zealous than he. His scholarship and professional acquirements were serviceable in the drafting of bills for adoption by the legislature, and it is stated as a historical fact that most of the territorial statutes were the product of his fertile brain and facile pen. He practiced law with marked ability and large success for about twenty years, but had retired before his appointment to the Bench. He was not fond of public office, as was indicated by his public declaration before entering upon the duties of United States senator that he would not be a candidate for re-election, and his subsequent positive refusal to accept a second term. His ability as a lawyer and jurist was recognized by the college which graduated him and the University of Virginia, both of which conferred upon him the honorary degree of LL. D. He was the leading counsel of Blennerhasset, alleged to be involved in the treasonable conspiracy with Aaron Burr, vice-president of the United States. Judge Burnet was a strong, stern, self-reliant man, a faithful friend, an open foe. His historical notes and recollections are a valu-

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able contribution to the early history of the State. He died at the age of eighty-three.

CHARLES R. SHERMAN was elected to the court from Fairfield county in 1823 and died in office in 1829. He was an able and learned jurist. For two centuries and a half the Sherman family has been conspicuous in jurisprudence, as well as the political and military history of the American colonies and the United States. The progenitors of the American branch of the family emigrated from England in 1634. They landed in Massachusetts, but Samuel, the ancestor of Charles R., afterwards moved to the valley of the Connecticut. Their descendants filled many positions of responsibility in New England and were uniformly noted for ability, integrity, patriotism and fidelity in the discharge of duty. He studied law with his father, who was both a lawyer and a judge; was admitted to the bar and married in his native State, came west in 1810 at the age of thirty-two and settled in Lancaster. His wife followed the next year, making the entire journey on horseback with her babe, their eldest son, strapped to a pillow in front of her saddle. This infant became Judge Charles T. Sherman, late of Cleveland. Judge Sherman soon established himself in practice and won a high place among the eminent lawyers who honored the profession in Southern Ohio during the first half of the century. His reputation as a citizen and influence in the community equaled his prominence at the bar. The only official position which he held prior to his election as judge was membership in the State legislature. He died suddenly in the prime of life, while holding court at Lebanon, leaving a widow and eleven children, the eldest being only eighteen years of age. Three of these won national renown —Charles R., the judge; William T., the general, and John, the senator.

JOSHUA COLLETT was elected from Warren county in 1829 at the age of forty-eight, and served one full term of seven years. He was a native of Virginia, Berkley county, read law in Martinsburg, and moved to Cincinnati just before the admission of Ohio into the Union. Six months later he settled in Lebanon and was the first lawyer established in Warren county. He was modest, even to diffidence. The self-confidence and independence which are, in popular estimation, attributes essential to professional success on the frontier, were wanting in his character. Contact on the circuit with the lawyers who excelled in forcible public speech and scholarship, and who never failed in professional courtesy or the amenities of life, served as a school for the cultivation of self-reliance; while his learning in the law and studious habits largely compensated for the lack of assurance. He was elected prosecuting attorney for Warren county in 1810, and discharged his official duties with such ability as to establish a high reputation. After serving ten years as prosecutor he was appointed judge of the Court of Common Pleas and reappointed at the close of his first term of seven years. While still occupying the Bench of this court he was promoted to the Supreme Court. His service on the Bench and in the office of prosecuting attorney extended over a period of twenty-six years. In 1836 he retired from public office. Throughout life he preserved a character for integrity, virtue and benevolence. In 1836 and

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again in 1840 he was chosen one of the presidential electors on the Whig ticket.

ELIJAH HAYWARD, one of the old lawyers of Cincinnati, was appointed to the court from Hamilton county in 1830. Although he was probably a good lawyer and a reputable judge, history accords to him no special prominence and even the records of the court fail to disclose the time of his service or date of retirement.

JOHN M. GOODENOW, of Jefferson county, was elected judge in 1830 and resigned the following year on account of ill health; subsequently removed to Cincinnati, where in 1833 he became president judge of the Court of Common Pleas. This position he resigned also, because of inability to preserve harmonious relations with members of the Bar. Judge Goodenow was a native of Massachusetts, born in 1782, educated in the common schools and also educated in the law before coming west. He settled in Ohio and began the practice at Steubenville, in 1811. While favored with strong intellectual powers and fortified by careful reading in the line of his profession, he was unfortunate in disposition--querulous and faultfinding. His irascibility led him into difficulties and quarrels with lawyers who practiced in his court and with judges before whom he had cases as attorney. One of the bitterest of his controversies was with Judge Tappan, before whom he argued a *habeas corpus* case involving important questions. He maintained in argument that the Common Law applicable to the punishment of crimes had never been in force in Ohio. Judge Tappan held the opposite view and the controversy at length assumed the form of an action for slander brought by the attorney against the judge. Goodenow's conviction as to the merits of his contention led him to write a book in which his views were expressed with clearness and force, under the title "American Jurisprudence in Contrast with English Common Law." The Supreme Court of the State sustained his view in Smith vs. State 12, O. S. 466, and later in Mitchell vs. State 42, O. S., p. 382.

GUSTAVUS SWAN, of Franklin, was appointed by the governor, in 1830, to fill a vacancy expiring in 1831. HENRY BRUSH, JOHN C. WRIGHT, and EBENEZER LANE were elected in 1830. Judge Brush, a native of New York and a lawyer of only moderate ability, had settled in Chillicothe in 1803, served as prosecuting attorney, representative and senator in the Ohio general assembly and representative in Congress—a single term in each office. Judge Lane was born in Northampton, Massachusetts, December 17, 1793, and died in Sandusky, Ohio, June 13, 1866. He was graduated at Harvard in 1811, studied law at Lyme, Connecticut, was admitted to the Bar in 1814, and after practicing in Connecticut three years, moved to Ohio and settled in Norwalk. He was elected judge of Common Pleas in 1824, and was on the Supreme Bench from 1837 to 1845. After leaving the Bench he resumed the practice of law and became engaged in railroad enterprises until 1859, when he withdrew from business.

He was one of the most able men who have sat in the Supreme Court of Ohio. He had penetrating sagacity and rare intellectual powers, was pro-

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foundly versed in the law, and was an omnivorous reader of literature. On the Bench he shunned display of learning, and was for the most part content with stating the facts and the principles of law which controlled the case; and his opinions, concise, direct, cogent, are conspicuous in the reports for their simplicity and strength.

JUDGE WRIGHT was a lawyer-editor, and in both capacities was incisive, aggressive, keen-witted and forcible. He was a resident of Steubenville for many years, where he practiced law and filled several county offices, besides serving as a member of Congress three terms. He was managing editor of the Cincinnati Gazette in later life, and a terse, forcible writer. He published the reports of decisions of the Supreme Court during the time he was one of the judges—1830 to 1835. These were the first official reports of legal decisions published in the State. He served with credit in Congress, where he was known as one of the very few men whom John Randolph thought it prudent not to attack.

REUBEN WOOD was elected from Cuyahoga county in 1832, and served one full term. Judge Wood possessed, in a very large measure, those inherent qualities and forces which are the foundation of greatness. He was born in Vermont in 1792, and came to Cleveland twenty-six years later with his wife and daughter. He was poor in purse but rich in energy and ambition. His cash capital at the time of settlement on the Cuyahoga river was twenty-five cents; but his resources were boundless. His education in the law had been obtained in his native State, and now he walked to Ravenna, where the Supreme Court was in session, to procure a license to practice. His personal appearance, no less than his learning, served as influence in securing business at first. He was a giant in stature, erect as an Indian, with the presence of a chief and the bearing of a soldier. Withal, he was so genial in social intercourse and so engaging in manners that he soon had clients and friends. His political ambition outstripped his professional achievements. He served as State senator before he was judge of Common Pleas, and was elected governor ten years after retiring from the Supreme Court. The intervention of the Constitution of 1851 cut off his term almost at the beginning, and he was re-elected in 1852. He manifested to an unusual degree what is popularly termed executive ability — not only in carrying laws into effect, but in the selection of men for places. His administration was highly successful. He was a candidate for President in the Democratic National Convention of 1852, as "The Cuyahoga Chief," and received a very respectable vote. His ability was not inferior to that of his successful competitor in the convention.

FREDERICK GRIMKE was one of the few men of prominence in Ohio whose nativity was in the South. He was born in South Carolina September 1, 1791, graduated from Yale at nineteen, studied law in his native State and practiced there until 1820, when he migrated to Chillicothe. After serving several years as president judge of the Common Pleas he was elected judge of the Supreme Court in 1836 and served one term. He gained some literary reputation by the authorship of two volumes—"An Essay on Ancient and Modern

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Literature," and "Considerations upon the Nature and Tendency of Free Institutions." Although he lived to the age of seventy-three, he died a bachelor. Naturally reserved in manner and diffident in the presence of ladies, he probably never found the courage to propose matrimony.

MATTHEW BIRCHARD was elected from Trumbull in 1842 and served one term on the Supreme Bench. He was a man of more than average ability and a judge of more than ordinary attainments. He was born at Becket, Massachusetts, in 1803, and came to Ohio at the age of eight with his parents, who settled in Trumbull county, near the town of Warren. After the preparatory course of study he was admitted to the Bar in 1827, and six years later was elected judge of the Common Pleas. He was a Jackson Democrat and interested sufficiently in politics to turn aside from the main drift of his life and leave the judgeship of the Common Pleas circuit to accept the commissionership of the general land office tendered him by President Jackson. His written opinions are characterized by felicity of expression and perspicuity of thought. His pertinacity has been bluntly denominated stubbornness. It was the same quality which prompts the twelfth juror to hold out against his eleven peers and prevent a verdict, without a suggestion of bribery.

NATHANIEL C. READ, elected to the Supreme Court from Hamilton county, was a man of versatile talents and a lawyer of brilliant power. As a practicing attorney in the trial of cases, a presiding judge in *nisi prius* courts and the final adjudicator of questions appealed to the court of last resort he was equally successful. He was a man of marked ability, and had a clear comprehension of the law. He several times dissented from the majority and his dissent was subsequently recognized as the true rule. His usefulness was marred by his personal habits and at the end of five years he resigned and resumed his practice at Cincinnati.

EDWARD AVERY, a man undistinguished in history but respectable in character and talents, was elected to the Supreme Bench from Wayne county in 1846 and resigned in 1851. The offices previously filled by him were those of prosecuting attorney and State senator.

RUFUS PAIN SPAULDING was chosen a member of the court by the legislature in 1849, for a term of seven years, which was cut to little more than two years by the operation of the second Constitution of the State. His service might have continued longer had he not declined to be a candidate before the people. He was a native of Massachusetts, born in 1798, son of an eminent physician who removed with his family to Norwich, Connecticut, when this son was only fourteen years of age. His opportunities of acquiring a scholastic and professional education were the best, and he improved them most advantageously. He was graduated from Yale at nineteen and read law with Judge Swift, Chief Justice of the State. As a young man he began the practice in Little Rock, Arkansas, but removed thence to the Western Reserve, Ohio, at the end of three years and a half, and lived at Warren sixteen years. Subsequently he resided in Portage, Summit and Cuyahoga counties. He represented both Portage and Summit in the general assembly at different

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times, and served one term as speaker of the House. At the close of his judicial service he settled in Cleveland, where he engaged in the practice of law. Thoughtful, capable and successful men are usually moved by strong convictions. It was so with Judge Spaulding. His personal convictions on the subject of slavery fortified him with courage to renounce his allegiance to the Democratic party after he reached the age of fifty. Turning from the partisan associations of half a century, he supported the free-soilers in 1850, and was ready to unite with the incongruous elements and forces, bound together by the single principle of resistance to the encroachments of slavery, to form the Republican party. He became an aggressive member of the new party and was elected to Congress in 1862, where his ability, courage and energy gave him rank among leaders.

William P. Caldwell and Rufus P. Ranney connected the old with the new, serving as judges of the highest court under two constitutions. Judge Caldwell was first elected by the legislature in 1849, and elected by the people in 1851. Born in Butler county in 1808, he was the first native of the State honored by an election to the Supreme Bench. He was a farmer's boy, with ambition and energy to desire and obtain an education; was graduated by Miami University in 1835; read law with Judge John Woods of Hamilton, and located for practice in Xenia, but soon removed to Cincinnati, where he became associated in partnership with Honorable Samuel Fenton Carey. After serving a term as prosecuting attorney, he was elected president judge of the Court of Common Pleas in 1842, retaining that office until his promotion to the Supreme Court. On resigning, in 1854, he resumed the practice at Cincinnati with great success. Other judges may have excelled Caldwell in the critical analysis of legal principles and logical deductions from established premises; but none surpassed him in the ability to penetrate the consciousness of men and estimate the motives of human action. He was a mind-reader in the accuracy of his knowledge of human nature. His judgment as to the equities of a cause was true and righteous. He could look through a mask of assumption and deceit with unerring penetration. His intercourse with fellow men was marked by directness of purpose, frankness of manner and imperturbable good nature.

UNDER THE CONSTITUTION OF 1851.

About the middle of the century there was a feeling of unrest and discontent with existing conditions throughout the world. There were revolutions in several of the countries of Europe, and efforts, more or less successful, on the part of the people to secure for themselves a larger liberty and to restrict the power of rulers. While these manifestations of rebellion and incipient revolution were almost universal in the old world, there was a different kind of activity in the United States. The discovery of gold fields in California gave an impetus to business and commerce, while the growth of new States rendered necessary a change and enlargement of the provisions of their organic

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law. It is a noteworthy fact that about this time each of the four States that had been erected in the Northwest Territory found it necessary to revise their constitutions. Illinois led the way in 1848, Indiana and Michigan followed in 1850, and the convention of Ohio for that purpose assembled in 1851. That convention framed for the State a new Constitution which made some radical changes in the organization of courts. The Constitution provided for the election of judges of the Supreme Court by the people instead of by a joint convention of the general assembly. It fixed the number of judges at five, a majority of whom constituted a quorum. The term was fixed at not less than five years, with the provision that a session of the court should be held in the State capital at least once in each year. The number of judges could be increased or diminished by the legislature, but any act reducing the number must not operate to shorten the term for which any judge was elected; that is, he could not be legislated out of office. The Constitution further provided that when the number of judges should be increased the State might be divided into three circuits, with an assignment of an equal number of judges to each division. The provision empowering the legislature to organize the Supreme Court into separate divisions is an enlargement of Section II, created by amendment adopted October 9, 1883. A majority of the judges sitting as an undivided court could decide causes and pronounce opinions that should be accepted as the expression of the court. In deciding causes heard by a division of the court the opinion must be unanimous. In case of a divided sentiment the question must be referred to the whole court, which also had the exclusive consideration of questions involving the constitutionality of an act of the legislature or an act of Congress. As a relief to the court, when its docket should be overcrowded, a commission of five members was authoized after the year 1876, having the same jurisdiction as the Supreme Court and sitting for a term not exceeding three years, to hear and determine appeals. The provision for a Supreme Court Commission, to continue in existence three years from February 1, 1876, and empowering the legislature upon application of the Supreme Court, not oftener than once in ten years, to create a like commission for a term not exceeding two years, was made by amendment adopted October 12, 1875. The same relief might be invoked at the end of any period of ten years after the first commission. Under the Constitution, as amended, two such commissions have been raised. In case of a vacancy in the Supreme Court occurring thirty days prior to the annual election, the governor was authorized to fill it by appointment until such election. The judges comprising the first court under the new constitution were William B. Caldwell, of Hamilton county, Thomas W. Bartley, of Richland, John A. Corwin, of Champaign, Allen G. Thurman, of Ross, and Rufus P. Ranney, of Trumbull. It was fortunate for the adjustment of the Constitution to existing statutes that Judges Ranney and Caldwell had served under the former Constitution, as their experience facilitated the business of the new court. Judge Caldwell was chosen Chief Justice, and served until 1854, when he resigned.

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JUDGE BARTLEY was a native of Ohio, born in Jefferson county, February 11, 1812, the son of Mordecai Bartley and Elizabeth Welles. He was educated in Jefferson College, Pennsylvania, studied law in Washington, D. C., and began the practice at Mansfield, in 1834. By natural ability and application he took a leading position at the Bar. He served the State as attorney-general four years and filled the office of United States district attorney for a like period. He was a member of the general assembly several terms, and was acting governor of the State after the resignation of Governor Shannon, in 1844, until the governor-elect was qualified in December of that year. It is worth noting that the governor who succeeded him was his father. After retiring from the Supreme Court he praticed law in Cincinnati for a time, and subsequently removed to Washington. Judge Corwin resigned after serving about half his term, without any credit or distinction to himself, owing to his objectionable personal habits. It is unnecessary to refer to Judges Thurman and Ranney in this connection, as very full biographies of them are found in another part of this work.

ROBERT B. WARDEN, of Franklin county, was appointed by the governor to succeed Judge Corwin, but served only a few months until that vacancy was filled by election. He was only twenty-eight years of age, the youngest man ever appointed judge of the Supreme Court, and was taken from the office of reporter of the decisions of that court. His ability was unquestioned, but his adaptability doubtful. He did not remain long enough in one place to become identified with the community and form the attachments of home and gain the influences of inspiration which come from association by a long, honorable and useful residence in the same locality.

WILLIAM KENNON was appointed in 1854, from Belmont county, to serve until the election of that year, in which he was chosen to serve the unexpired portion of the term of Judge Caldwell. He was born in Pennsylvania in 1798, came to Ohio at the age of six with his parents, who settled in Belmont county, where he continued to reside for more than seventy-five years. He was educated at Franklin College and began the practice of law at St. Clairsville in 1824. At the age of thirty he was elected to Congress and served one term. He was appointed by the legislature president judge of the Court of Common Pleas of Thirteenth District in 1840. He was one of the active members of the constitutional convention of 1851, and the same year was appointed a member of the codifying commission, which prepared the code of civil procedure. He was a man of recognized ability in the profession, and strong in the fiber of his character. He was a powerful speaker, especially in the court room. His impassioned oratory had influence in moving the passion and influencing the judgment of a jury; his logical reasoning convinced the understanding of the judge. He was fond of literature, and it is related that he began the study of the Hebrew language after reaching the age of seventy-five years and became quite proficient in it.

JOSEPH R. SWAN, who was elected in 1854 for the remainder of Judge Corwin's term and served until November, 1859, was an able judge

and a man of rare qualities. His biography also appears at length in this volume.

JACOB BRINKERHOFF, of Richland county, was elected in 1855 and re-elected in 1860 and 1865, serving fifteen years. He was a native of New York, born August 31, 1810. He was descended from an old Dutch family, of which the first American representative, Hendrick Brinckerhoff, emigrated from Holland and settled in New Netherlands in 1638. After arriving at school age he attended the district schools until fifteen. In 1825 the family removed to Steuben county, in the same State, where he worked on a farm until twenty years of age and then began the study of law, after spending some time in the Academy at Plattsburg. His studies were prosecuted with Howell & Howell, at Bath, Rogers & Neaston and Henry Wells, in Pennyan, where he remained until 1835. In 1836 he came to Richland county, Ohio, and located at Mansfield, where he formed a law partnership with Thomas W. Bartley. In 1839 he was elected prosecuting attorney and served four years. Politically he was a Democrat and was elected to Congress by that party in 1843. After serving two terms in the House of Representatives he resumed his law practice. He was a good lawyer, a just judge, an upright man, popular with members of the profession and esteemed by the public. He was opposed to the encroachments of slavery and became a member of the Free-Soil party while serving in Congress. He was the real author of the Wilmot Proviso, popularly attributed to David Wilmot, of Pennsylvania, by whom it was introduced in the House. This "proviso" was offered as an amendment to a pending bill appropriating money to enable the President to open negotiations for peace with Mexico. During the progress of the war the United States had obtained military possession of California and New Mexico, and it was the general understanding this acquisition of territory was to be permanent. The slave-holding interests confidently expected to establish slavery therein, and relied upon their representatives in Congress to prevent restrictions. The Free-Soilers, including at the time many Northern Democrats, determined, if possible, to have the newly acquired territory dedicated to liberty. The Whigs, who had opposed the war, were ready for an alliance which would defeat its cherished object. Accordingly Judge Brinkerhoff drew up the proposed amendment providing that neither slavery nor involuntary servitude, except for the punishment of crime, should ever exist in the acquired territory. He submitted this first to his friend, Judge Vinton, a Whig member from Ohio, who promised to rally that party in its support, and then requested Mr. Wilmot, because of his popularity with the administration and the Southern members, to offer the amendment. This was done and it was adopted. Other congressmen had been busy along the same line, including Hale and Hamlin, Grover and Jenkins, Preston King and Rathburn; but the original draft of the "Wilmot" proviso, on file in the Congressional Library, is in the handwriting of Judge Brinkerhoff. His convictions on the subject of slavery were strong and deep. They influenced his independent action in Congress. When it was suggested to him by his relative, Gen. R. Brinkerhoff, that he should continue to act with the Demo-

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cratic party, as he could not otherwise hope for political honors; the anti-slavery movement was unpopular and he should at least repress his sentiments until more progress was made toward freedom, he replied: "That may do for you, but not for me. I have made my bed and I must lie on it. It is true I do not see any hope for liberty in my time, but as sure as God lives it will come some time, and I would rather my children or grandchildren should remember that I lived in the faith and died in obscurity than to obtain preferment by the abandonment of my convictions or even by silence."

Charles Cleveland Converse, of Muskingum county, was elected to the Supreme Court in October, 1855, but on account of ill health resigned in February following, before taking his seat. He was a man of scholarly attainments who had the advantage of attending the lectures of Story and Greenleaf while in the Harvard Law School. His parents were members of the Ohio Company and pioneer residents of the Northwest Territory. He had served in the State Senate as its presiding officer, and for one year, beginning in 1854, was judge of the Court of Common Pleas.

Ozias Bowen, of Marion county, was appointed in February, 1856, to fill the vacancy occasioned by the resignation of Judge Converse and was elected in October following for the remainder of the term. He was a native of New York, born July 21, 1805, and came to Ohio in boyhood. His literary and professional education was obtained in the State and he located for practice at Marion. The only office which he filled prior to his appointment to the Supreme Bench was that of president judge of the Second Circuit, which he held for two terms. He was gentle and quiet in manner, dignified in bearing and devoted to his profession. His success at the Bar was largely due to the assiduous labor bestowed upon his cases, and the same assiduity was observed in his investigation as a member of the Supreme Court.

Josiah Scott was elected in 1856 from Butler county. He was re-elected in 1861 and 1866, serving three full terms. Judge Scott was born December 1, 1803, in Washington county, Pennsylvania, was educated in Jefferson College and graduated with class honors in 1823. For some time thereafter he was employed in teaching, in a classical academy at Newton, Pennsylvania, and afterwards in Richmond, Virginia. He was also employed as tutor in Jefferson College for a year, but at no time did he expect to make the profession of teaching his life work. During all the years after leaving college he had been engaged in reading the textbooks of law, and by this time he was qualified to engage in practice. In June, 1829, he located at Bucyrus, which was then on the border of the Indian reservation. The population of Crawford county at that time contained a large proportion of Wyandot Indians. Judge Scott remained there twenty-one years and gained for himself a high reputation as a lawyer, and considerable popularity in politics. He was elected to the general assembly in 1840. In 1851 he located in Hamilton, Butler county, where he won distinction in competition with the ablest members of that Bar. The attachments formed at Bucyrus during his long residence were sufficient to cause his return to that place while serving as a member of the

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Supreme Court. On his retirement from the Bench he resumed the practice there until appointed by Governor Hayes a member of the first Supreme Court Commission. He died at the age of seventy-six. He was a thorough scholar, and his interest in literature was continued during the whole course of his life. He was especially fond of the classics in Greek and Latin. It is said that his greatest skill as a practicing lawyer was observed in his adroit method of eliciting testimony on cross-examination. He did not bully a witness, but his insinuating manner and peculiar manifestation of friendliness disarmed the pugnacious and stubborn witness, causing him to disclose the truth unawares. His judicial opinions were expressed with clearness and force unsurpassed by any contemporaneous judge.

William Sutliff was elected in 1857 to succeed Judge Bowen, re-elected in 1862 and retired in 1868 after a service of ten years. He was one of the six sons of Daniel Sutliff, a Revolutionary soldier, four of whom became lawyers. He was educated in Western Reserve College, graduated in 1834, and the same year entered upon the practice of law at Warren. In politics he was a pronounced abolitionist with all the moral courage for which the vanguard of the anti-slavery crusade was noted. He was assailed, but his motives were never impugned or his integrity doubted either as a man or a judge.

William V. Peck, of Scioto county, was elected in 1858 to succeed Judge Bartley, and after serving a single term retired in 1864. Owing to impaired health he declined a re-election. He was a sufferer from chronic bronchitis. Judge Peck was a native of Connecticut and received his literary, as well as legal education, in that State, He possessed scholarship of high grade and was well trained as a lawyer. Having been employed for some time in an office at Cincinnati where his duties were chiefly clerical, he became familiar with all forms of legal papers, and as his penmanship was faultless, any pleadings or other papers drawn by him were a source of pleasure to the clerk. He went to Portsmouth from Cincinnati, where he acquired a fine reputation as a practitioner. He never filled any other than a judicial office, having been promoted to the Supreme Court from the Common Pleas judgeship, to which he had been elected in 1848. His perceptions were clear and discriminating as to the interpretation and applicability of the law. His written opinions were noteworthy for felicity of expression and perspicacity. He was remarkably successful as a *nisi prius* judge, and the Supreme Court, sitting in his district, had no cases for consideration.

William Y. Gholson, of Hamilton county, was appointed in 1859 to fill the unexpired portion of Judge Swan's term, and elected the same year for the succeeding term; but resigned in 1863. He was a native of Virginia, educated in Old Nassau Hall, at Princeton, and settled in Cincinnati for practice in early life. He was a lawyer in every aspiration and purpose. He possessed a legal mind of unusual activity, was highly cultivated and deliberate. As a judge, whether on the Bench of the Superior Court at Cincinnati, or on the Supreme Bench of the State, he measured up to the standard of Lord Bacon. He knew nothing of the parties but their names on the docket; noth-

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ing of the cause but from the evidence; nothing of the result and its consequences but the judgment which the law pronounces. He was born in 1807 and died at his home near Cincinnati, September 21, 1870.

Horace Wilder was appointed by the governor December 12, 1863, in place of Judge Gholson, resigned. In October following he was elected for the remainder of the term expiring in February, 1865. He was a resident of Ashtabula. Judge Wilder was born in Connecticut, August 20, 1802, was graduated from Yale at twenty-one, studied law and was admitted to the Bar in the State of Virginia at twenty-four. He settled in Geauga county, Ohio, in 1827, and the following year was admitted to the Bar. Immediately afterwards he located for practice in East Ashtabula. He was elected prosecuting attorney of the county in 1833, and a member of the legislature the following year. He continued in the practice of his profession, but held no other office until he was elected judge of the Court of Common Pleas, in 1855, to fill a vacancy. He was re-elected the following year for a full term. There are lawyers now living in Ohio who remember Judge Wilder for his kindness and consideration to them when very young and inexperienced in the practice.

Hocking Hunter was elected judge of the Supreme Court from Fairfield county in 1863, but resigned before the beginning of the term for which he was elected. He stood in the forefront of the profession, a member of the Bar at Lancaster during the period of its highest celebrity. He was born in the territory of Ohio August 23, 1801, and died at his home near the same spot, February 4, 1872. His father, Captain Joseph Hunter, a native of Virginia, was an officer of the Revolutionary War, and lived in Kentucky after the close of that war until 1798, when he became the pioneer settler of Fairfield county. His education was limited to the common school branches, but was thorough in the rudiments. After reading law with Judge William W. Irvin, he was admitted to the Bar in 1824. He served as prosecuting attorney of Fairfield county from 1825 to 1831. During the latter year he formed a partnership with Thomas Ewing, the elder, thus organizing one of the strongest firms for the practice of law that ever existed in Ohio. It is a fact somewhat singular among men who have acquired great distinction that Hocking Hunter, during the course of his long, honorable and distinguished career, was never a candidate for office and never held any office but that of prosecuting attorney.

William White was first appointed by the governor in February, 1864, to fill the vacancy occasioned by the resignation of Judge Hunter, serving under that appointment until October, when he was elected for the remainder of the term. He was re-elected in 1868, 1873 and 1878, and died in office March 12, 1883. He was a resident of Clark county. Judge White was a conspicuous example of young men who have the aspiration and will to rise superior to their environments. He was a native of England, orphaned in childhood by the loss of both parents, and came to the United States at the age of nine years with his uncle, who settled at Springfield. He was apprenticed under the system of indenture then prevalent, for a term of nine years, to learn the cabinet-

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makers' trade. After six years of service he bought his release from bondage and paid for it with the wages of labor at his trade as a freeman. He educated himself in the high school at Springfield and studied law with William A. Rogers. During the time he spent as student in preparing for the practice of law, he paid his expenses with the wages earned at teaching school. When twenty-four years of age he formed a partnership with Mr. Rogers, his preceptor; afterwards held the office of prosecuting attorney, to which he was elected three successive terms. In 1856 he was elected judge of the Court of Common Pleas, and re-elected in 1861, vacating the office when he accepted appointment to the Supreme Bench. He worked hard and almost incessantly in discharging the duties of judge, so that his health was much impaired, even before his last election. The memorial adopted by the State Bar Association testifies the esteem of the profession: "For his long, faithful and eminent services, as well as for the unsullied purity and uprightness of his personal character, and his excellent qualities of heart; their appreciation of the inestimable value of his inspiring career and his unremitting toil, to the detriment of his pecuniary interests, in the service of the State he loved so well. The loss of such a man from the judicial quorum is irreparable to the public as well as to the Bar."

Luther Day, of Portage county, was elected to the court in October, 1864, re-elected in 1869, and retired at the end of his second term. He was born in Washington county, New York, July 15, 1813. His academic education was interrupted by the necessities of the family, which recalled him from school to labor on the farm, at the end of one year. Not long afterward the death of his father, whose estate was embarrassed by debt, compelled him to give up the struggle for an education and work for a living for his mother and younger members of the family. Although only sixteen years of age, the sense of responsibility made him a man in discretion, tact and energy. He worked on the farm and in the saw mill to such purpose that the incumbered property was saved and the debt fully paid at the end of six years. Then, at the age of twenty-two, he entered Middleberry College, Vermont, where he remained two years, and paid his expenses by teaching. Abandoning the purpose to complete his course in college, he settled in Ravenna, Ohio, and took up the study of law in the office of Honorable Rufus Spaulding. He was admitted to the bar in 1840, and formed a partnership for practice with Honorable Darius Lyman, an old lawyer of the place, which was continued for three years. He served as prosecuting attorney for a term, and in 1849 was the candidate of the Democrats for representative in Congress. In 1851 he was elected judge of the Common Pleas Court. His wife was the daughter of Judge Spaulding. The attitude of the Democratic party just prior to the war caused him to form an alliance with the Republican party. In 1863 he was elected to the State Senate as a Republican. He held no other political office, but after his retirement from the Supreme Bench, was appointed, in 1875, a member of the commission to revise the statutes of the State. The following year he was appointed a member of the first Supreme Court Commission.

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JOHN WELSH, appointed to the court in place of Judge Ranney, February, 1865, was subsequently thrice elected, serving continuously until 1878. He was a native of Ohio, born in Harrison county, October 28, 1805. After preparation by liberal reading and study he was admitted to the Bar in 1833 and began practice at Athens. He enjoyed unusual advantages by association with lawyers of large experience and ability at the opening of his career. He was intellectually strong and his mind was trained to independent thought. Like Festus, he reasoned well. His sense of what the law ought to be was profound, and he relied upon his power of reasoning to establish his premises as much as he relied upon the matter printed in the books. His personal popularity, supplementing his undoubted qualifications, occasioned his preferment for political office, and he served with acceptability as State senator and member of Congress. He also was elected judge of the Court of Common Pleas before being called to the highest court. It is said that the opinions written by him contained no excess of verbiage. They were about as nearly as may be the naked law tersely expressed. He was the author of a digest containing two volumes of Ohio decisions.

GEORGE W. MCILVAINE, of Tuscarawas county, was elected a member of the Supreme Court in 1870, re-elected in 1875 and again in 1880, serving for fifteen years. While the biographer is unable to find in the volumes of contemporaneous history, or later collected biographies, anything appertaining to the antecedents or early life of this man, he is remembered by the Bar as a courteous, capable gentleman. The reports of opinions promulgated by the court attest his ability as a lawyer and a judge. He was a quiet, frank, candid judge, who made no pretenses to learning which he did not possess. His associates on the Bench were among the ablest who have held position under the present Constitution.

WILLIAM H. WEST was elected judge of the Supreme Court in 1871 while a resident of Logan county, but resigned after serving two years. It is sufficient to remark in this connection that he was at the time a great lawyer, whose ability had attracted the favorable notice of the profession and whose character commanded the respect of the people. He is one of the few eminent lawyers and orators of the old school yet living and actively engaged in practice. An extended personal biography will be found in this work.

WALTER F. STONE was appointed by the governor in 1873 upon the resignation of Judge West and elected the following October for the remainder of the term. He resigned on the 10th of September, 1874. He was a native of Ohio, born at Wooster, November 18, 1822. His parents had come to the State from Vermont. He was educated at Pittsburgh and read law under Walter R. Lowry, of that city. After admission to the Bar he located at Sandusky City, in 1846. For a time he was associated in partnership with Judge Ebenezer Lane. After twenty years of active practice he was elected judge of the Court of Common Pleas, in 1865, re-elected in 1870, and served until promoted to the Supreme Bench. His resignation was occasioned by ill

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health, from which he failed to recover, and his death took place at Oakland, California, in December following

George Rex, of Wayne county, was appointed to fill the vacancy occasioned by the retirement of Judge Stone. He was elected in October, 1874, and served the remainder of the term. He was born at Canton, July 25, 1817, educated in the common schools and in the Capital University; was engaged in teaching for a time, and after a course of reading, was admitted to the Bar in 1842. He located for practice at Wooster, served as prosecuting attorney for Wayne county four years; served as a member of the State Senate and president *pro tempore* in 1851. Afterwards he served two additional terms as prosecuting attorney, and in 1867 was again elected to the State Senate. Service on the Bench impaired his health so that he declined a re-election and returned to the practice of law, but lived only two years. He was an earnest, conscientious man, public-spirited in the advocacy of popular education and whatever tended to promote material prosperity. He had strong convictions and undoubted courage.

William Gilmore, of Preble county, was elected in 1874 and served one term. He was born in Bedford county, Virginia, April 24, 1821, and came to Ohio with his parents when four years of age. His education was limited to the district school and Hopewell Academy. He studied law with Thomas Milliken, of Hamilton, and was admitted to the Bar in 1847. After practicing one year in Hamilton he removed to Eaton, where he continued to reside until the close of his service upon the Supreme Bench, when he removed to Columbus and re-entered the practice. He held the office of prosecuting attorney of Preble county two terms. In 1857 he was elected to the Common Pleas Bench and held that position by successive elections until 1874. His personal popularity was sufficient to overcome a large adverse majority when the candidate of a political party in his county. He was also popular in the profession, as evidenced by his election to the presidency of the State Bar Association in 1885 and his appointment as delegate to the American Bar Association in 1894.

Washington W. Boynton was elected to the Supreme Court in 1876 from Lorain county, and served one term. He was a native of that county, which continued to be his home until retirement from the Bench, when he located in Cleveland. A full sketch of his life appears elsewhere in this work.

John W. Okey, of Franklin county, was elected judge of the Supreme Court in 1877, re-elected in 1882 and died in office in 1885. He was one of the strong and capable judges, with the persistence of the English and the firmness of the Scotch, from which he was descended, with a generous vein of Irish blood. He was born in Monroe county, Ohio, and educated in Monroe Academy; was admitted to the Bar in 1849. For three years, beginning in 1853, he served as probate judge of his county. In 1856 he was elected judge of the Court of Common Pleas and subsequently re-elected. During the whole course of his life he was devoted to the profession of law, exhibiting zeal and industry in whatever he undertook. He served as a member of

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the codifying commission appointed by the governor to revise and codify the statutes of the State. In connection with S. A. Miller he prepared and published a work on municipal law, in 1869. His qualifications for judge of the highest court were unusually ample by general reading, close application to a study of the principles of the law and long training on the Bench. He appeared to have an intuitive sense of what the law should be, and in the formation of an opinion was guided as much by his inner consciousness as by precedent, or the published opinion of a court. He was careful, cautious, deliberate, conscientious and immovable when his conclusion had been formed. Respectfully considerate of the views of others, he was contented to be guided by his own conscience as to what is right in law as well as in morals.

William W. Johnson, of Lawrence county, was elected in 1879, re-elected in 1884 and resigned November 9, 1886. He was born in Muskingum county, August 17, 1826. His father was a native of Connecticut and his mother a Virginian, whose father was a Revolutionary soldier. His knowledge of books as a boy was limited to that which he was able to obtain by reading at home after a day's work was done and study during the hours not devoted to hard work on the farm. He was permitted to spend a single term in Muskingum College before entering upon a course of reading in law in the office of Judge Converse at Zanesville. He was admitted to the Bar in 1852 and six years later elected judge of the Court of Common Pleas. By successive elections he served on this Bench for fifteen years and then retired on account of impaired health. He was a hard student all of his life and was thus enabled to cure the defects of an early education. He possessed the judicial traits which weigh carefully any question submitted to the judgment, and a love of justice contributed to his arriving at correct conclusions.

As the judges appointed during the last two decades belong to contemporaneous history, it is sufficient for the purposes of this article to mention them in chronological order.

Nicholas Longworth, of Cincinnati, was elected in 1881, and resigned in 1883, after serving one year.

John H. Doyle, of Toledo, was appointed March 10, 1883, by Governor Foster, to fill the vacancy thus occasioned, until the election next succeeding.

William Y. Upson, of Summit county, was appointed by the governor March 4, 1883, on the death of Judge White, and served to the close of the term in the December following.

Martin D. Follett, of Washington county, was elected in October, 1883, to serve the remainder of the term of Judge Longworth, which expired in February, 1887.

Selwin N. Owen, of Williams county, was elected in October, 1883, and served one full term. Judge Owen was and is especially gifted in the effective use of the English language. His style is fluent and racy.

Gibson Atherton, of Licking county, was appointed in August 1885, to fill a vacancy created by the death of Judge Okey, serving until December 18th of that year, when he was succeeded by William T. Spear, of Trumbull county,

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who had been elected in October to fill out the term. Judge Spear was elected in 1887 and again in 1892. He was a member of the court at this date.

Thaddeus Minshall, of Ross county, was elected in 1885, re-elected in 1890, and again in 1895. He is still on the bench.

Franklin J. Dickman, of Cuyahoga county, was appointed November 10, 1886, to fill the vacancy created by the resignation of Judge Johnson. In 1889 he was elected for a full term, which expired in 1895.

Marshall J. Williams, of Fayette county, was elected in 1886, and re-elected in 1891. His second term expires in 1897.

Joseph P. Bradbury, of Gallia county, was elected in 1888, and re-elected in 1893, for a term that runs until February, 1899.

Jacob F. Burkit, of Hancock county, was elected in 1892, for a term running to 1898.

Jacob A. Shauck, of Montgomery, was elected in 1894, for a term which extends into the last year of the century.

The total number of judges appointed and elected under the Constitution of 1851 is forty-one. Twenty-three of them were born in the State of Ohio. Massachusetts, Connecticut and Vermont each contributed one, New York five, Pennsylvania three, Virginia three, and one was foreign-born.

Any history of the Supreme Court of Ohio which contained no reference to its valuable coadjutor, the Supreme Court Commission, would be manifestly incomplete. The first commission, consisting of five lawyers, some of whom were among the ablest in the State, was created in February, 1876, limited to an existence of three years, and concluded its labors in 1879. The members originally appointed were Josiah Scott, of Crawford; William W. Johnson, of Lawrence; D. Thew Wright, of Hamilton; Richard A. Harrison, of Franklin; Luther Day, of Portage, and Judge Whitman, of Hamilton. Judge Whitman, during the first year, resigned, and Thomas Ashburn, of Clermont, was appointed to fill the vacancy. The second commission, appointed in 1883 for a term of two years, consisted of the following able jurists: Moses W. Granger, of Muskingum; George K. Nash, of Franklin; Franklin J. Dickman, of Cuyahoga; Charles D. Martin, of Fairfield; John McCauley, of Seneca. The Codifying Commission, which began its labors in 1875 and completed them in 1879, was composed as follows: Michael A. Dougherty, Fairfield; John W. Okey, Franklin; Luther Day, Portage. Judge Okey resigned in 1877 to accept a seat on the Supreme Bench, and was succeeded by his son George B. Okey. Judge Day resigned in 1876 to enter upon his service as judge of the Supreme Court, to which he had been elected. It is creditable to the profession in the State that the Supreme Court has always observed a high standard of morality and integrity; that it has not, during more than a century of existence in the territory and the State, been liable to an accusation of bribery or corruption; that its decisions and opinions generally evince learning and wisdom. Its published volumes of reports take high rank among those of other States in the Union, as logical expositions of the law.

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THE CIRCUIT COURT OF OHIO.

In order to present a satisfactory account of the establishment and jurisdiction of this court, which gives to the judicial system of Ohio the completeness which satisfies the Ohio lawyer and supplies the model for a perfect judicial system when an intermediate court is to be established, it is absolutely necessary to say something of the establishment and continuance of its predecessors in Ohio.

By the ordinance of July 13, 1787, "for the government of the territory of the United States, northwest of the River Ohio," the wise and beneficent statesmanship of which has been the theme of native and foreign commentators on our system of government and the subject of many oratorical eulogies, it was ordained that "said territory, for the purposes of temporary government, be one district," and that "there shall also be appointed (by Congress) a court to consist of three judges, any two of whom may form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior." After the adoption of the Federal Constitution, Congress enacted (August 7, 1789) that all officers in the Northwest Territory which the ordinance of July 13, 1787, had provided should be appointed by Congress should thereafter be appointed by the President of the United States, by and with the advice and consent of the Senate. The governor and judges of the territory were given, by this ordinance, legislative powers, subject to the approval of Congress, until the organization of the general assembly in the district. The first judges appointed were Samuel Holden Parsons, of Connecticut; James M. Varnum, of Rhode Island, and John Cleve Symmes, Chief Justice of New Jersey. Judge Symmes was appointed in place of John Armstrong, who declined the appointment.

By an act of Congress (May 8, 1792) any one of the judges was authorized in the absence of the other judges to hold court. These judges constituted what was called the General Court of the territory and had the power of reviewing and revising the decisions of all inferior tribunals, and their decision was final. Until the organization of the general assembly the governor had power to appoint all magistrates and to lay out the parts of the territory where the Indian title had been extinguished into counties and townships. After the organization of the general assembly these powers were vested in that body. Under the judicial system established for the territory no court was established between the courts of Common Pleas and the General Court,

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but provisions were made by the governor and the judges, and afterwards by the general assembly, for the holding of Circuit Courts in the various counties by one or more of the territorial judges for the trial of issues of fact joined in cases in the general court or removed by appeal or otherwise from the Courts of Common Pleas, in the counties or districts where the issues arose. The only differences between the provisions in this regard made by the governor and judges and by the general assembly were that the general assembly divided the territory into districts which embraced one or more counties, provided that the sessions of the Circuit Courts should be held once a year instead of twice a year and that the Circuit Courts of Washington and Hamilton counties should not be held by less than two judges of the General Court.

Article III. of the Constitution of 1802 provided that the judicial power of the State, both as to matters of law and equity, should be vested in a Supreme Court, in Courts of Common Pleas for each county, in justices of the peace, and in such other courts as the legislature from time to time might establish. The Supreme Court was to consist of three judges, any two of whom constituted a quorum, vested with such original and appellate jurisdiction, both in law and equity, as directed by law. Power was given to the general assembly to add another judge to the Supreme Court after the term of five years, in which case the State might be divided into two circuits by the judges, within which any two of the judges might hold court. The State was divided into three Common Pleas circuits, in each of which a president of the courts was to be appointed, and in each county not more than three nor less than two associate judges. The president and associate judges in their respective counties, any three of whom constituted a quorum, composed the Court of Common Pleas, having common law and chancery jurisdiction in all cases directed by law. There was also a provision that after five years the general assembly might increase the number of presidents and circuits. The judges of the Supreme Court and Courts of Common Pleas were given complete criminal jurisdiction, in such cases and in such manner as might be pointed out by law. The judges of the Supreme Court, the presidents and associate judges were appointed by a joint ballot of both houses of the general assembly for the term of seven years, "if so long they behave well." This article of the Constitution further provided that the Supreme Court should be held once a year in each county, and the Courts of Common Pleas in each county, at such times and places as prescribed by law.

In this judicial system there was no provision for an intermediate court, but the necessity for such a court soon became apparent and it was indirectly established by the Act of February 17, 1808. This Act provided, agreeably to the provisions of the Constitution, for an additional judge of the Supreme Court, and authorized the judges to divide the State into two districts within which any two of the Supreme Court judges might hold court. The judges of the Supreme Court were required annually to hold an extraordinary session, which it was the duty of at least three judges to attend, within each Common Pleas circuit, for the sole purpose of hearing and determining cases

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reserved by the Supreme Court held in the districts. The counties mentioned in the Act, where these extraordinary sessions were to be held, were Warren, Ross, Fairfield and Columbiana. Thus was established the two branches of the Supreme Court, known under the Constitution of 1802 as the Supreme Court on the Circuit and the Supreme Court in Bank, and gave a dignity and superiority to the Court in Bank which made it seem like another court with superior powers. The cases which came before the Court in Bank were those in which the judges holding the court on the circuit differed on a question of law, or in which a new and difficult question of law arose, or where in the trial of a cause the judges were divided in opinion as to the admission or rejection of testimony and were unable for that reason to decide a motion for a new trial. In such cases the question or questions were postponed, to be decided by the Court in Bank. This law continued in force until February 16, 1810, when it was repealed. By the Act of February 23, 1816, the number of judges of Supreme Court was again increased to four, and by the Act of January 20, 1823, it was made the duty of "all the judges of the Supreme Court to meet annually in the town of Columbus, immediately after the close of the circuit, in order to consult upon and decide" all important or difficult questions either in law or equity arising before the Supreme Court in any county which were reserved by the judges holding that court for decision at Columbus, thus again establishing the two divisions of the Supreme Court and in effect an intermediate court. This Act was repealed by the Act of March 8, 1831, which latter Act took effect June 1, 1831. March 10, 1831, an Act was passed "to establish a Court in Bank, and to regulate its practice." By this Act all the judges of the Supreme Court (any three of whom constituted a quorum) were required to meet annually in the city of Columbus to hold a Court in Bank for the final adjudication of all such questions of law as might be reserved in any county for decision. The provisions as to the reservation of questions of law were that "when any important or difficult question shall arise in any proceeding at law or equity, pending before the Supreme Court in any county, the judges thereof may reserve the same; and all other questions as to which the judges may be divided in opinion, shall, on motion of either party or his counsel, be reserved for decision, at the term of the Court in Bank, next thereafter to be holden." This was substantially the same as the Act of January 20, 1823, except that in addition to the power given to the judges on the circuit to reserve important and difficult questions for the decision of the Court in Bank, it gave the parties the right to have all questions as to which the judges were divided in opinion, reserved for hearing before the same tribunal, thus combining the provisions of the Act of February 17, 1808, and of January 20, 1823, in the establishment of this quasi intermediate court and giving the privilege to parties of appealing to the Court in Bank. The Supreme Court held its sessions on the circuit and in bank in accordance with the requirements of this Act until the adoption of the Constitution of 1851.

That Constitution provided that the judicial power of the State should be vested in a Supreme Court, in District Courts, Courts of Common Pleas,

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Courts of Probate, justices of the peace, and in such other courts inferior to the Supreme Court, in one or more counties, as the general assembly might from time to time establish. By its terms the State was divided into nine Common Pleas districts and each district into three parts, in each of which parts a Common Pleas judge was to be elected. Power was given to the general assembly to increase or diminish the number of Common Pleas districts, the number of judges in any district, change the districts or the subdivisions thereof, or establish other courts whenever two-thirds of the members elected to each house concurred therein. District Courts which were given original jurisdiction in quo warranto, mandamus, habeas corpus and precedendo the same as the Supreme Court, and such appellate jurisdiction as might be provided by law, were composed of the Common Pleas judges of the respective districts and one of the judges of the Supreme Court, any three of whom formed a quorum. At least one term of the District Court was required to be held in each county in the district annually. Suits pending in the Supreme Court in Bank were transferred to the Supreme Court, and the District Courts in their respective counties were declared to be the successors of the then Supreme Court on the circuit, and all suits, etc., pending in the Supreme Court in the several counties were transferred to the respective District Courts.

The distrust with which the lawyers regarded this intermediate court made its first appearance in the Act of February 19, 1852, which provided that when an important or difficult question should arise in any proceeding pending before the District Court in any county the judges of the District Court or the judge of the Supreme Court sitting in said district might, on motion of either party, cause the same to be reserved and sent to the Supreme Court for its decision. For the purposes of the District Courts the State was divided into five judicial circuits and it was provided that the judge of the Supreme Court present at the sessions of the District Court should preside. This Act was the first one defining the jurisdiction of the District Court, and gave the District Court, in addition to its original jurisdiction, power on good cause shown to issue writs of error, certiorari, supersedeas, ne exeat and all other writs not specially provided for by statute whenever such writs might be necessary for the exercise of its jurisdiction in the due administration of right and justice throughout the State, and it was given appellate jurisdiction from the Court of Common Pleas in all civil cases in which the Court of Common Pleas had original jurisdiction, which was in all cases where the matter in dispute exceeded the sum of $100. The appeals were to be given, tried, heard and decided in the District Court in the same manner as though the District Court had original jurisdiction of the case and upon the same pleadings, unless for good cause shown amendments were permitted. It was further provided that a judgment rendered or final order made by the Court of Common Pleas, Superior Court of Cleveland, or Superior or Commercial Courts of Cincinnati might be reversed, vacated or modified by the District Court for errors appearing on the record.

By the Act of April 12, 1858, (55 Ohio Laws, 81) the right of appeal to the District Courts was limited so it could only be taken from final judgments,

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orders or decrees in such civil actions as the parties had not the right by virtue of the laws of this State to demand a trial by jury, and this same act provided that a judge of the Common Pleas Court who had decided the case in the Common Pleas should not sit on the review of his own decision in the District Court on error or otherwise when there was a quorum in the District Court without him.

The business of the Court in Bank having increased very rapidly, so as to require the attendance of the judges of the Supreme Court during almost the entire year, it was provided by Act of March 29, 1865, that the judges of the Supreme Court should be relieved from duty in the District Court in the year 1865, and by the Act of April 2, 1870, that if at the December session of any year the judges of the Supreme Court should deem it for the best interests of the State or that the business of the Supreme Court required that they should remain in session, they might continue in session and should for that year be relieved from attendance at the sessions of the District Court either in whole or in part as they might elect.

In the meantime the Supreme Court had decided in the case of King vs. Safford, 19 O. S., 587, that a District Court held by three or more Common Pleas judges without the presence of a judge of the Supreme Court was a lawful and constitutional District Court. The absence of the Supreme Court judges from the District Court tended in no small degree to lessen the respect for its decisions which ought to be given to such a tribunal, and the fact that Common Pleas judges were required to hold the District Court in addition to performing their duties as Common Pleas judges without any extra compensation, tended, either because of the lack of time or of inclination, to make their sessions short, prevented them from giving the time necessary to a full examination of the cases submitted to them, and to cause the court to be regarded simply as a necessary stopping place on the way to the Supreme Court. It was sought to remedy this in 1877 by submitting to the voters of the State a Constitutional Amendment providing for an independent District Court composed of certain of the Common Pleas judges who should devote their entire time to the business of that Court; but that amendment was voted down. By the act of May 10, 1878, it was provided that the Supreme Court or a majority thereof should designate three Common Pleas judges in each district to hold the District Courts of such district, and that such judges should not be required to hold Common Pleas Court, but this Act was declared, in the case of "In the Matter of the Appointment of Judges to hold District Court," 34 O. S., 431, to be unconstitutional.

On the 8th of July, 1880, the members of the Bar of the State assembled in convention at Cleveland for the purpose of forming, and did form a State Bar Association, and one of the first matters brought to the attention of the Association was the securing of a plan to facilitate the administration of justice in the State. In the course of the discussion upon that proposition, Judge R. P. Ranney, president of the association, who had been one of the judges of the first Supreme Court under the Constitution of 1851, and who was one

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of the ablest jurists in Ohio, said: "The framers of our judicial system created an intermediate Appellate Court, called the District Court, but they never contemplated that that court was going to be held exclusively by the very men who had decided the cases in the first instance; that they were going to turn reviewers of themselves. It was an essential feature of their system, without which it never could have passed that convention, that a judge of the Supreme Court, with his knowledge and weight of character, should forever preside in that Appellate Court. What have we realized for years past in practice? That court is held by the judges that decided in the first instance and Common Pleas judges, doing as well as they can, I admit, but in nowise meeting the public expectation of an Appellate Court to put an end to controversies. The consequence is that cases finding their way into that court go there simply as a stopping place, a necessary resting place, to be crowded into the Supreme Court, and the consequence is that all the important litigation of the State finds its way right through this first Appellate Court into the Supreme Court." This question was referred to the committee on Judicial Administration and Law Reform of the association.

At the meeting of the association held in Columbus in December, 1880, the committee on Judicial Administration and Law Reform, through its chairman, Durbin Ward, submitted a form of amendment to the judicial article of the Constitution. That amendment provided for the abolition of the District Court; for increasing the number of the Supreme Court judges to nine; for the holding of one term in each year of that court at the seat of government; and for special terms of the Supreme Court to be held by not less than two judges in each county of the State at least once in each year, in effect re-establishing the judicial article of the Constitution of 1802. This plan of the committee was adopted by the association, and the committee on Judicial Administration and Legal Reform commissioned to present the same to the legislature at its next session. That committee presented the same to the legislature and reported to the association at its meeting at Toledo, in 1881, that the legislature had not seen fit to take any action in regard thereto, and the whole matter was again referred to the same committee for further consideration.

At the meeting of the association in Cincinnati, in 1882, the committee submitted the following plan proposing an amendment to the judicial article of the Constitution:

Section 1. The judicial power of the State is vested (1) in a Supreme Court. (2) Circuit Courts. Courts of Common Pleas, Courts of Probate, justices of the peace, and such other courts inferior to the Supreme Court, as the general assembly may from time to time establish. (3) (As amended October 9, 1883; 80 v. 382).

Section 2. The Supreme Court shall, until otherwise provide (provided?) by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procedendo, (1) and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by

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law. (2) The judges of the Supreme Court shall be elected by the electors of the State at large, for such term, not less than five years, as the general assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the general assembly shall increase the number of such judges, the first term of such additional judges shall be such, that in each year after their first election, an equal number of judges of the Supreme Court shall be elected, except in elections to fill vacancies; and whenever the number of such judges shall be increased, the general assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each division may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or whenever a case shall involve the constitutionality of an act of the general assembly or of an act of Congress, it shall be reserved to the whole court for adjudication. The judges of the Supreme Court in office when this amendment takes effect, shall continue to hold their offices until their successors are elected and qualified. (As amended October 9, 1883; 80 v. 382.)

Section 6. The Circuit Court shall have like original jurisdiction with the Supreme Court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such number of judges as may be provided by law, and shall be held in each county, at least once in each year. The number of circuits, and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The general assembly may change, from time to time, the number of boundaries of the circuits. The circuits shall be the successors of the District Courts, and all cases, judgments, records and proceedings pending in said District Courts, in the several counties of any district, shall be transferred to the Circuit Courts in the several counties, and be proceeded in as though said District Courts had been abolished, and the District Courts shall continue in existence until the election and qualification of the judges of the Circuit Courts. (As amended October 9, 1883; 80 v. 382.)

This plan was presented on behalf of the association to the general assembly, and at its 1883 session a joint resolution was adopted to submit this proposition to amend the Constitution to the electors at the October election of that year, and at that election the same was adopted by the people and became Sections 1, 2 and 6 of Article IV. of the Constitution.

Thus through the efforts of the State Bar Association the Circuit Courts were established, and I do not believe that any of those who worked so hard to procure the adoption of this amendment to the Constitution, or any of those who have ever had occasion to practice before this independent intermediate court, have ever had occasion to regret the change thus made, or to feel otherwise than grateful to those through whose energetic efforts it was brought about. At the next session of the legislature an Act was passed, April 14, 1884, to provide for the division of the State into circuits and the organization of Circuit Courts as follows:

The State shall be divided into seven circuits, of which the counties of

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Hamilton, Clermont, Butler, Warren and Clinton, shall constitute the First Circuit.

The counties of Preble, Darke, Shelby, Miami, Montgomery, Champaign, Clarke, Greene, Fayette, Madison and Franklin, shall constitute the Second Circuit.

The counties of Mercer, Van Wert, Paulding, Defiance, Williams, Fulton, Henry, Putnam, Allen, Auglaize, Wood, Hancock, Hardin, Logan, Union, Seneca, Marion, Wyandot and Crawford, shall constitute the Third Circuit.

The counties of Brown, Adams, Highland, Pickaway, Ross, Pike, Scioto, Lawrence, Gallia, Jackson, Meigs, Vinton, Hocking, Athens, Washington and Monroe, shall constitute the Fourth Circuit.

The counties of Morrow, Richland, Ashland, Knox, Licking, Fairfield, Perry, Morgan, Muskingum, Coshocton, Holmes, Wayne, Stark, Tuscarawas and Delaware, shall constitute the Fifth Circuit.

The counties of Lucas, Ottawa, Sandusky, Erie, Huron, Lorain, Medina, Summit and Cuyahoga, shall constitute the Sixth Circuit.

The counties of Lake, Ashtabula, Geauga, Trumbull, Portage, Mahoning, Columbiana, Carroll, Jefferson, Harrison, Guernsey, Belmont and Noble, shall constitute the Seventh Circuit.

By that Act it was provided that the Circuit Court should be held by three judges, a majority of whom competent to sit should be necessary to pronounce a decision, enter an order, judgment or decree; that the first election of Circuit Judges should be held at the October election of 1884, at which time three judges should be elected in each circuit; that immediately after the election the governor should determine, by lot, the terms of the judges elected in each circuit, so that one judge should hold office for two years, one for four and one for six years; and the term of office for the Circuit Judges was thereafter fixed at six years. In addition to the original jurisdiction conferred by the Constitution, the Circuit Court was given power to issue writs of supersedeas in any case, and all other writs not specially provided for nor prohibited by statute, when necessary for the exercise of jurisdiction in the due administration of justice, and that two terms of the Circuit Court should be held in each county in each year. All cases in the District Court were to be transferred to the Circuit Court, upon condition, in appeal cases, that a new bond was given, and all the provisions of the statutes as to the District Courts or a judge thereof were made applicable to the Circuit Court and the judges thereof. The result of the election in October, 1884, showed very clearly that the members of the legislature in fixing the boundaries of the different circuits had done so with due regard to the business to be done in each circuit, and without paying any attention to the political complexion of the circuit, as five of the seven circuits elected Republican judges, although the legislature which fixed the boundaries of the circuits was Democratic.

At this first election the following judges were elected in each circuit, their names being given in the order of their terms of office as determined under the provisions of the statute:

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First Circuit. Joseph Cox, Cincinnati; James M. Smith, Lebanon; Peter F. Swing, Batavia.

Second Circuit. Marshall J. Williams, Washington C. H.; Gilbert H. Stewart, Columbus; John A. Shauck, Dayton.

Third Circuit. Thomas Beer, Bucyrus; John J. Moore, Ottawa; Henry W. Seney, Kenton.

Fourth Circuit. Thomas Cherrington, Ironton; J. P. Bradbury, Pomeroy; Milton L. Clark, Chillicothe.

Fifth Circuit. John W. Allbaugh, Canton; Charles Follett, Newark; John W. Jenner, Mansfield.

Sixth Circuit. William H. Upson, Akron; Charles C. Baldwin, Cleveland; George R. Haynes, Toledo.

Seventh Circuit. Peter A. Laubie, Salem; William H. Frazier, Caldwell; Hamilton B. Woodbury, Jefferson.

At the next session of the legislature after the election an Act was passed, February 7, 1885, to revise and consolidate the statutes relative to the organization and jurisdiction of the Circuit and other courts. By this act it was provided that the judges of the Circuit Court should meet once a year in the city of Columbus, to fix the terms of the Circuit Court for the ensuing year and choose one of their number as Chief Justice for the next judicial year, who was to preside at their annual meetings, and who was given power to transfer judges of the Circuit Court from one circuit to another whenever occasion required. It also provided that in addition to the cases and matters specially provided for, an appeal might be taken to the Circuit Court, by a party or other person directly affected, from a judgment or final order in a civil action rendered by the Common Pleas Court and of which it had original jurisdiction, if the right to demand a jury therein did not exist, and from an interlocutory order made by the Common Pleas Court or a judge thereof, dissolving an injunction in a case of which it had original jurisdiction, by causing notice to be entered upon the record and giving a bond in appeal unless the party appealing was acting in a trust capacity and had given bond in this State. A case on appeal was heard upon the same pleadings as in the court below, unless amendments were permitted or ordered by the Circuit Court. The Circuit Court was also given power to vacate or modify its own judgments or orders after the term at which the same was made, and all rules as to new trials were made applicable to the Circuit Court. Power was given to the Circuit Court or a judge thereof in his circuit to appoint receivers and issue injunctions in any cause pending in the Circuit Court of his circuit upon the proper application; and to issue a writ of *habeas corpus* in a proper case. It was also provided that a judgment rendered or final order made by the Common Pleas Court might be reversed, vacated or modified by the Circuit Court, for errors appearing on the record. The Circuit Court was required to pass upon all errors assigned in the petition in error, and in every case where the judgment or order was reversed and remanded for a new trial the court was required in its mandate to the court below to state the error or errors found in

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the record upon which the judgment of reversal was based. The Supreme Court not being required in any case, except cases in which it had original jurisdiction, to pass upon the weight of the evidence, it followed that the Circuit Court was the final arbiter upon all questions of fact involved in cases coming before it, either upon appeal or error.

On the 10th day of February, 1885, the circuit judges met for the first time in the Supreme Court room in the city of Columbus, and Judge Marshall J. Williams, of Washington Court House, was elected Chief Justice in accordance with the provisions of the statute.

After the Circuit Court had been in existence for two years, it was found that the business of the Sixth Circuit was so large that it was necessary to create an additional circuit, and therefore, on March 21, 1887, the legislature amended the Act dividing the State into circuits, so as to provide for eight circuits, the counties of Cuyahoga, Summit, Medina and Lorain being taken from the Sixth Circuit to form the Eighth Circuit, and the counties of Williams, Fulton and Wood being taken from the Third Circuit and put into the Sixth. This Act provided that the circuit judge theretofore elected in the Sixth Circuit and at the time of the passage of the Act residing therein, as constituted by the Act, should continue to be judge of this circuit until the end of his term, and that the two judges of the Sixth Circuit theretofore elected therein, but at the time of the passage of the Act resident within the Eighth Circuit, as constituted by the Act, should be judges of the Eighth Circuit until the end of their term, and that at the November election, 1887, there should be elected two circuit judges for the Sixth Circuit, one to serve for five years and one for one year, and there should be elected in the Eighth Circuit one circuit judge for the term of three years.

The Circuit Court of the Sixth Circuit as constituted after the November election, 1887, was composed of Charles S. Bentley, Bryan; George R. Haynes, Toledo; Charles Scribner, Toledo; and the judges of the new Eighth Circuit Court were Charles C. Baldwin, Cleveland; H. J. Caldwell, Cleveland, and William H. Upson, Akron.

No other change has been made in the circuits since their organization, except that the county of Monroe was removed from the Fourth Circuit and placed in the Seventh Circuit by an Act of the legislature passed May 9, 1894. No attempt has been made to change the circuits for political reasons, the only changes being for the better transaction of business.

The circuit judges for the year 1897 are as follows:

First Circuit. Joseph Cox, Cincinnati; James M. Smith, Lebanon; Peter F. Swing, Batavia.

Second Circuit. Charles C. Shearer, Xenia; A. N. Summers, Springfield; Harrison Wilson, Sidney.

Third Circuit. James H. Day, Celina; James L. Price, Lima; Caleb H. Norris, Marion.

Fourth Circuit. Thomas Cherrington, Ironton; David A. Russell, Pomeroy; Hiram L. Sibley, Marietta.

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Fifth Circuit. J. C. Pomerene, Coshocton; J. J. Adams, Zanesville; S. M. Douglass, Mansfield.

Sixth Circuit. E. B. King, Sandusky; George R. Haynes, Toledo; Robert S. Parker, Bowling Green.

Seventh Circuit. William H. Frazier, Caldwell; J. B. Burrows, Painesville; Peter A. Laubie, Salem.

Eighth Circuit. John C. Hale, Cleveland; Ulysses L. Marvin, Akron; H. J. Caldwell, Cleveland.

Hon. Charles C. Shearer, of Xenia, was chosen Chief Justice of the Circuit Court of Ohio for the year 1897.

Of the judges who originally constituted the judges of the Circuit Courts of the various circuits, Judges Marshall J. Williams and John A. Shauck, of the Second Circuit, and J. P. Bradbury, of the Fourth Circuit, have been elected judges of the Supreme Court of Ohio. Judges Charles C. Baldwin, of the Sixth Circuit, and afterwards of the Eighth Circuit, Hamilton B. Woodbury, of the Seventh Circuit, and Charles Scribner, of the Sixth Circuit, have died. The others not now members of the Circuit Court have returned to the practice of the law.

Soon after the establishment of the Circuit Court there was expressed among the lawyers of the State a great desire for the preservation of important decisions of the court, and a series of reports called the Ohio Circuit Court Reports was commenced, which will reach, during the year 1897, thirteen volumes.

The following is a list of all the judges of the Circuit Court from its establishment to the present time, with their terms of service:

FIRST CIRCUIT.

Joseph Cox, Cincinnati, Feb. 9, 1885, to present time.
James M. Smith, Lebanon, Feb. 9, 1885, to present time.
Peter F. Swing, Batavia, Feb. 9, 1885, to present time.

SECOND CIRCUIT.

Marshall J. Williams,* Washington C. H., Feb. 9, 1885, to Feb. 9, 1887.
Gilbert H. Stewart, Columbus, Feb. 9, 1885, to Feb. 9, 1895.
John A. Shauck,* Dayton, Feb. 9, 1885, to Feb. 9, 1895.
Charles C. Shearer, Xenia, Feb. 9, 1887, to present time.
James I. Allread, Greenville, Feb. 9, 1895, to Nov. 14, 1895.
Augustus N. Summers, Springfield, Feb. 9, 1895, to present time.
Harrison Wilson, Sidney, Nov. 14, 1895, to present time.

THIRD CIRCUIT.

Thomas Beer, Bucyrus, Feb. 9, 1885, to Feb. 9, 1893.
John J. Moore, Ottawa, Feb. 9, 1885, to Feb. 9, 1895.
Henry W. Seney, Kenton, Feb. 9, 1885, to Sept. 8, 1896.

* Elected Judge of the Supreme Court.

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James H. Day, Celina, Feb. 9, 1893, to present time.
James L. Price, Lima, Feb. 9, 1895, to present time.
James K. Roth, Tiffin, Sept. 8, 1896, to Nov. 16, 1896.
Ebenezer B. Finley, Bucyrus, Nov. 16, 1896, to Feb. 9, 1897.
Caleb H. Norris, Marion, Feb. 9, 1897, to present time.

FOURTH CIRCUIT.

Thomas Cherrington, Ironton, Feb. 9, 1885, to present time.
Joseph P. Bradbury,* Pomeroy, Feb. 9, 1885, to Feb. 9, 1889.
Milton L. Clark,§ Chillicothe, Feb. 9, 1885, to Feb. 9, 1897.
David A. Russell, Pomeroy, Feb. 9, 1889, to present time.
Hiram L. Sibley, Marietta, Feb. 9, 1897, to present time.

FIFTH CIRCUIT.

John W. Albaugh, Canton, Feb. 9, 1885, to Feb. 9, 1893.
Charles Follet, Newark, Feb. 9, 1885, to Feb. 9, 1895.
John W. Jenna,† Mansfield, Feb. 9, 1885, to Oct. 3, 1895.
Julius C. Pomerene, Coshocton, Feb. 9, 1893, to present time.
John J. Adams, Zanesville, Feb. 9, 1895, to present time.
George E. Baldwin, Canton, Oct. 5, 1895, to Nov. 18, 1895.
Charles H. Kibler, Newark, Nov. 18, 1895, to Feb. 9, 1897.
Silas M. Douglass, Mansfield, Feb. 9, 1897, to present time.

SIXTH CIRCUIT.

William H. Upson,‡ Akron, Feb. 9, 1885, to Feb. 9, 1888.
Charles C. Baldwin,‡§ Cleveland, Feb. 9, 1885, to Feb. 9, 1888.
George R. Haynes, Toledo, Feb. 9, 1885, to present time.
Charles S. Bentley, Bryan, Feb. 9, 1888, to Feb. 9, 1895.
Charles H. Scribner,§ Toledo, Feb. 9, 1888, to Feb. 22, 1897.
Robert S. Parker, Bowling Green, March 11, 1897, to present time.

SEVENTH CIRCUIT.

Peter A. Laubie, Salem, Feb. 9, 1885, to present time.
William H. Frazier, Caldwell, Feb. 9, 1885, to present time.
Hamilton B. Woodbury,§ Jefferson, Feb. 9, 1885, to June 19, 1895.
Jerome B. Burrows, Painesville, June 25, 1895, to present time.

EIGHTH CIRCUIT.

Charles C. Baldwin,§ Cleveland, Feb. 9, 1888, to Feb. 2, 1895.
Hugh J. Caldwell, Cleveland, Feb. 9, 1888, to present time.
William H. Upson, Akron, Feb. 9, 1888, to Feb. 9, 1893.
John C. Hale, Cleveland, Feb. 9, 1893, to present time.
Ulysses L. Marvin, Akron, Feb. 16, 1895, to present time.

* Elected Judge of the Supreme Court.
† Resigned.
‡ Changed to new Eighth Circuit.
§ Deceased.

The following is a list of the Chief Justices of the Circuit Court, with times of service:

Marshall J. Williams, Washington C. H.
1885 and 1886.

James M. Smith, Lebanon.
1887 and 1888.

George R. Haynes, Toledo.
1889 and 1890.

William H. Upson, Akron.
1891 and 1892.

Gilbert H. Stewart, Columbus.
1893 and 1894.

Milton L. Clark, Chillicothe.
1895 and 1896.

Charles C. Shearer, Xenia.
1897.

While the Circuit Court has not, perhaps, realized the hopes of some of its earnest advocates that its existence and high character would prevent many cases from going to the Supreme Court, and thereby lessen the work of this court and enable it to keep up with its work, there is no doubt that this intermediate court is no longer regarded as a mere resting place on the way to the Supreme Court, but being composed of men of such high intelligence and profound legal learning, with ample time to investigate causes submitted to them and with a disposition to devote their time to that purpose, that a case must be of such grave importance as to require the judgment of the highest court of the State upon it, or the litigants must have developed such a spirit during the litigation as that nothing but the decision of a court of last resort could stop their progress, before a case is taken from the Circuit Court to the Supreme Court. The records of the Supreme Court during the existence of the Circuit Court show that very few, comparatively, of the cases which have come to that court have been reversed or modified.

While there are some lawyers in the State who are of the opinion that there should be no intermediate court, this feeling only prevails with a very small number, and with the court, composed as it now is of able and learned judges, independent, removed from local and all other influences, and so long as it shall remain so, if it is given relief whenever the business in any circuit becomes too large for the judges to give it the proper attention, it is and will continue to be an ideal court, and most of the lawyers of the State, unless they change their present opinions, will advise their clients to end all litigation in the Circuit Court.

Putting aside the question of intermediate courts, the judicial system of Ohio is a model for all states where intermediate courts exist, and the practice as now formulated for those courts seems as nearly perfect as possible.

GILBERT H. STEWART.

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EARLY COURTS OF THE MAUMEE VALLEY.

A HISTORICAL SKETCH.

BY JUDGE JOHN H. DOYLE, TOLEDO.

No incident or event connected with the early Bench and Bar of Lucas county, or of the northwestern counties of the State, is so old but that it remains vividly in the recollection of members of the profession still living. That is a wonderful thing to contemplate. Lawyers who attended the first courts held under any organized division of the State embracing the territory of the Northwest, are able, with the eyes of the living, to see the magic growth of but little over a half century from swamp and wilderness to a great city, with its numerous thriving neighbors, magnificent farms, and population numbering hundreds of thousands. Lawyers who attended the first courts held in the county at which any business was attempted still attend upon the sessions of the same court, participate in its deliberations, and are able to pass in review every event in its half century's work, from its organization with half a dozen lawyers gathered from different parts of the State, its meager business disposed of in a few days in each of its semi-annual terms, to the overburdened dockets of the multiplied courts, its hundreds of lawyers and perpetual sessions of to-day. To write, therefore, of the early judiciary and of the early history of the Bar is necessarily to write, to some extent, of the living and of events which are within the short span of a man's business life: and the marvel I speak of is, that in the midst of a great city, the center of a great population surrounding it, and within the memory of its citizens, we can commence our record at absolutely the beginning.

Lucas county was organized in 1835, and became a part of the judicial subdivision then presided over by Judge David Higgins, of Norwalk, the first term of the Common Pleas Court being held on the 7th day of September of that year. The term was held by the associate judges, the presiding judge not being present. Judge Higgins first arrived in Toledo on the morning of April 27, 1836, where he was met by the three associate judges and opened court in a most formal manner. A grand jury was sworn and the men composing it were certainly among the most prominent citizens of the county. It is a fact which every lawyer recognizes, that with the growth of cities, the increase of wealth and business, and corresponding increase in the importance of matters litigated in the courts, the character of juries decreases

in corresponding ratio. Not because the best citizens are not liable to jury duty. Not because intelligence and responsibility are not sought among the qualifications now, nor because of any fault in the system of the law; but for the reason that business men are not willing to perform this important duty. Every excuse known to the law, and some not thus recognized, are resorted to for escape: and the laxity of the courts in enforcing the law, their willingness to accept excuses from the unwilling, while so many are anxious to serve, has resulted in the growth of a class of "professional" jurors, who are rapidly bringing into disfavor a system, which, in my judgment, is indispensable to free government and the impartial administration of justice through the courts. At the April term, 1836, of the court, the only business transacted of a judicial nature was the following: On return by the grand jury of two indictments for petit larceny against John Wilson, his trial and conviction therefor followed, with sentence in each case to six days' imprisonment in jail, and a small fine. The sheriff, Cornelius G. Shaw, was amerced in the sum of $160 for failure to bring in the body of one Henry Morgan, a defendant in an action of assumpsit, in pursuance of a writ issued and a rule made requiring the sheriff to do so. Andrew Coffinbury, who then lived at Mansfield, was, on the opening of court, appointed prosecuting attorney, and for attending upon the grand jury, preparing the indictments and trying Wilson upon each indictment, he was allowed by the court the sum of $15 00. An entry was made in an ejectment case substituting Robert A. Forsyth and Smith Daggett as defendants in place of the mythical "Richard Roe."

One of the earliest cases tried grew out of the controversy between Ohio and Michigan over the disputed boundary line. After Ohio had asserted her right to territory to the Harris line, and had organized the territory into a county, an election was required to be held in Toledo, and Benjamin F. Stickney, Platt Card, and John T. Baldwin were selected as judges and accepted. This was a violation of a "Pains and Penalties Act" of the Michigan Legislative Council, which made it an offense to acknowledge any other authority than Michigan in the disputed territory, and was an overt act against Michigan authority. Major Stickney had attended the session of Congress of 1834–5 as an active worker and warm partisan of Ohio, and incurred the enmity of the people of Michigan therefor. In March, 1835, he visited Monroe, when, much to his surprise, he was arrested on a criminal charge, based on his serving as judge of the election a year before under the authority of Ohio, and was thrown into prison. He was detained until he obtained bail, which was required for his appearance at the next term of court. In July of the same year Governor Mason sent a force of 250 men to Toledo to arrest young Two Stickney, a son of the major, who was then in Columbus under the protection of Governor Lucas. They ransacked the major's house, and not finding young Stickney, concluded to arrest the "old rascal," and marched him off to Monroe. This expedition was under the command of Warner Wing, a lawyer who practiced in our courts after the question was settled. Major Stickney was again imprisoned, the charge against him being, after much consultation among

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the authorities, that of resisting an officer on the occasion of his former arrest. Bail was again exacted and given, but the major did not return to Monroe at the subsequent or any other term of their court, and his recognizance was forfeited, and judgment entered against his bondsmen. They commenced an action against him in this county, and at the April term of 1838 the case was tried and judgment rendered against the defendant, which was affirmed by the Supreme Court at the term thereof first held in the county, at which Judges Lane and Grimke presided. This much of the business of the court is given as a history of its early work and to give a basis of comparison with the magnitude of the business of to-day. The writer has often heard his father, who had been for some years a resident of the county, say he was one of the many who volunteered their services to Governor Lucas to protect the boundary by arms, and witnessed many of the exciting incidents of the time. Few of the lawyers whose names appear upon the records, and who attended the early sessions of the courts, were residents of Lucas county. Others came from Maumee, Perrysburg, Norwalk, Mansfield, Columbus; Wing & McClellan, from Monroe, Michigan. Osborn and Tilden moved early from Norwalk to Toledo, and became prominent in the Toledo Bar. Wade & Giddings, who were interested in some real estate speculations which brought them here frequently from Ashtabula county, had some business in our courts. Ozias Bowen was from Marion. The field of the early lawyers' labors was much broader in area than now. They traveled from county to county in the circuit on horseback or in wagons—for even the stage-coach had not been introduced in the "Black Swamp region" generally enough to afford reliable means of travel. The lawyer's bag (not always the orthodox green one of the profession) contained his wardrobe, his briefs and his library, the latter consisting mainly of Blackstone, Chitty and some work on pleading and precedents. Equipped with these he started on his pilgrimage. Nearly the same men met in the different counties and fought their legal battles, those associated to-day being pitted against each other to-morrow. They lived in taverns, played cards, enjoyed the usual social pleasures; discussed over again their cases and questions which arose in the trials; engaged in mental contest of wit and humor; and, obeying an unwritten law that existed and was recognized by every lawyer, were good natured, gentlemanly and courteous to each other, with rare and regretted exceptions.

Judge Ebenezer Lane lived at Norwalk. He was the predecessor of Judge Higgins on the Common Pleas Bench, but had been transferred to the Supreme Court in 1830. Judge Grimke lived in Chillicothe. It is not the purpose of this article to give extended notice of any member of the Bench or of the Bar, and certainly not of those whose long and distinguished service on the Supreme Bench has become a part of the history of the State. The older lawyers speak with enthusiasm of the old Supreme Court, as it traveled over the State with such men as Sherman, Tod, Lane, Grimke and Hitchcock, as judges; and there is an evident sadness in the half concealed regret at the change that was

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wrought under the present constitution, which cannot be understood by the younger members of the profession. Judge Higgins was succeeded in 1837 by Ozias Bowen, of Marion, who held our court for two or three terms, until in the winter of 1838-39, when the legislature made a new judicial circuit of ten of the northwestern counties, including Lucas and Wood, when E. D. Potter was chosen as the president judge. He immediately purchased of Jonathan Neely of Maumee a magnificent horse, on which he rode proudly on his journeys through his circuit. He served his term and earned the title of an upright and honest judge. The salary of the judges was about $1,200 per annum, until 1842, when the legislature reduced the pay to $2.00 per day (Sunday included), which was the munificent sum for which Myron H. Tilden, in 1844, left his successful practice and became the successor of Judge Potter. Of the five judges who presided in our courts up to about 1850, one is still living. Judge Potter died February 12, 1896; Judge Tilden, who moved in 1851 to Cincinnati, died in 1888, and Judge E. B. Sadler, of Sandusky City, is yet in the active pursuit of his profession. Judge Higgins left the profession in 1846, and moved to Washington, where he took a position in one of the departments, which he held until his death in January, 1874, being then over eighty years of age. Judge Bowen was elevated to the Supreme Bench under the present constitution, served one term with mnch credit and died about 1876.

The judges of the Common Pleas Court, from the retirement therefrom of Judge Tilden down to and including the present occupants of the Bench, have been and are as follows: E. B. Sadler, L. B. Otis, John Fitch, Samuel T. Worcester, S. F. Taylor, Walter F. Stone, William G. Lane, William A. Collins, T. P. Finefrock, Reuben C. Lemmon, Joshua R. Seney, James J. French, Charles E. Pennewell, Birdseye W. Rouse, Cooper K. Watson, William F. Lockwood, John Mackey, John H. Doyle, Isaac P. Pugsley, David H. Commager, George R. Haynes, Louis H. Pike, C. P. Wickham, J. M. Lemmon, J. L. Dewitt, John L. Greene, Gilbert Harmon, Lindley W. Morris, Charles Pratt and Jason A. Barber. Judge E. B. Sadler was called to the Bench on the resignation of Judge Tilden in the spring of 1847, and was succeeded under the new Constitution in 1851 by L. B. Otis, who served until 1855. Judge Fitch was elected in the fall of 1854, taking his seat on February 9, 1855, under an act providing for an additional judge for the subdivision. He held the office for fifteen years, being succeeded in 1870 by Judge William A. Collins, who served one term of five years. Judge R. C. Lemmon was elected as his successor and served continually until February 9, 1890 (three full terms).

The legislature at its session of 1870-1, provided for an additional judge for the first subdivision of the Fourth Judicial District; and at the spring election of 1871, Joshua R. Seney was elected to such position. He resigned in November, 1874, when James J. French was appointed by Governor Allen to serve until the next annual election, at which time Birdseye W. Rouse was elected to fill the unexpired term, and also the full term thence ensuing. An additional judge had also been created by statute in 1869, and Judge Charles

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E. Pennewell of Norwalk, and T. P. Finefrock of Freemont had successively held the office, when, in 1879, John H. Doyle was elected to succeed Judge Finefrock, and held the office until 1883, at which time his elevation to the Supreme Bench caused a vacancy, which was filled by appointment of Isaac P. Pugsley, and afterwards by election of Judge Commager. Charles P. Wickham, of Huron county, was elected to succeed Judge Rouse, in 1880, and was re-elected in 1885, serving almost wholly in Huron, Erie and Sandusky counties. He resigned in 1886, when he was elected a member of Congress from the Huron district. John M. Lemmon, of Sandusky county, was, by the governor, appointed to fill the vacancy until the election of 1887, at which time John L. Greene, of Sandusky county, was chosen for the place. In 1878 still another judge was provided for by statute, and William F. Lockwood was chosen. He served five years. At the election in 1883, George R. Haynes was declared elected, commissioned, and served about four months, when, on a contest, the Senate declared Louis H. Pike elected, and he served to the end of the term. Judge Haynes was the following year elected to the new Circuit Court, created by constitutional amendment, and has since been twice re-elected. At the November election, 1887, Judge Pike was a candidate for re-election, with Judge Pugsley as his chief opponent, when the latter was elected, for the term beginning November 6, 1888. Judge Pugsley was re-elected in 1892 for a term beginning November 4, 1893. Gilbert Harmon, of Toledo, additional judge under the act of March 24, 1869, was elected in 1888, and served a term of five years from October 28, 1889. Reuben C. Lemmon was re-elected and served until February 10, 1895, when he was succeeded by Judge Charles Pratt, of Toledo, who still occupies the Bench. Lindley W. Morris, of Toledo, additional judge, commissioned January 11, 1894, entered upon a term of five years in October of that year. Jason A. Barber, of Toledo, was elected in November, 1896, for a term of five years, beginning February 8, 1897.

I do not intend to write at length of the modern Bench and Bar. I have not space to write at any great length of the earlier members of either. They were, in greater part, men who came here from the East in search of the El Dorado supposed to lie in the vast wilderness of what was then known as "the far West." Educated in eastern schools of learning and morals, they were in the main ambitious, energetic, young, hopeful, vigorous, moral and intelligent men. The county was organized at a period of great speculation, nowhere more exciting and extravagant than on the Maumee. Money was poured into the valley by eastern capitalists to buy lands and lay out cities, until the banks of the river became to a great extent a line of towns "on paper." Speculation was at fever heat; prices were regulated only by the amount of advance over the last purchase which the owner would take; and the lawyer was an essential and tolerably well paid adjunct of this condition of things. Benjamin F. Wade once told the writer that, coming from Cleveland to Toledo on a steamer, he found a man, also a passenger, who was on his way from Baltimore to Toledo to sell "River Tract No. 6." Wade's

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solicitude was to get a contract out of him before the boat landed. Unable to get the seller to fix a price, he plumped an offer of $25,000 to him and closed the bargain to their mutual satisfaction, as the last price paid for it was in the neighborhood of $10,000; and Wade more than doubled his money. That tract of land was the subject of litigation for a good part of the time since and until about half a dozen years ago, when, it is to be hoped, the titles were settled forever. This period of speculation, fostered by the "wild cat" banking system in vogue, begat an unhealthy credit system, which made the locality suffer in the succeeding panic that swept over the country; and the business of the lawyer and the dockets of the courts became greatly increased thereby. Many lawyers laid the foundations of considerable fortune during this early period, while some were lost in the financial wreck that followed.

A prominent judge of the Supreme Court used to say that it was a pleasure to preside over a District Court in Lucas county. The lawyers were better prepared, presented their cases better, and were more courteous and polite to each other and to the Bench, than those of any other county to which he was called. The example and influence of the prominent among the early lawyers have always been felt in the local Bar. Such men as Morton, Waite and Hill could hardly fail to leave the impress of their character upon the future of the profession. Industry, study, thoroughness and honesty were the lessons taught, and their successors were apt at learning. The early lawyers, of course, had their peculiarities, weaknesses and failings, as have those who are now occupying their places. They were human, but good specimens of humanity. Judge Higgins was austere and seclusive while on the Bench, but impartial and sound. He would reprimand a lawyer for trivial departure from the decorum which he exacted during the sessions of court, but would allow his own temper to lead him into absurd extravagances. Judge Bowen, on the other hand, was as mild and even tempered a man as ever wore the ermine; and yet, firm and fearless in the administration of justice, in which he never lost his temper, and never carried the thinnest mark of severity. George B. Way would fill a court room with a flood of eloquence, carrying jurors and courts with his magic words, and then, as compensation, would desert his office and his law books and give himself entirely up to a luxurious indolence, or the pleasure of purely literary and artistic study. Morton, with his magnificent physique, imposing height and appearance, his thorough knowledge of the law, and fluent and matchless address, was the most formidable opponent among the early lawyers But he was wedded to politics. His great delight was in a political encounter, and he was ambitious to an extreme for political preferment. Hill possessed, more than most of men, the two qualities—intense industry and acuteness. His scent was as keen as a hunter's. His labor and toil in his cases were continuous, and, necessarily, his success was phenomenal. Outside his profession he had two hobbies, the public schools and the military. In the first he was very useful, and contributed much to the perfection of the matchless schools of Toledo. For the other

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he was not particularly adapted, but freely gave his best ability to his country during the Rebellion as an adjutant-general of the State and in the field.

Andrew Coffinbury, who bore throughout his life the title of "Count," practiced law continuously from 1813 until his death, May 11, 1856. His sobriquet was first playfully given him by his associates at the Bar, because of a supposed resemblance to Count Puffendorf, a distinguished German jurist. The "Count" was among the early lawyers who "rode horseback" over the northwestern circuit from Mansfield, where he then lived, and was appointed prosecuting attorney at the term of court in the spring of 1836, held in Lucas county. He was a man of rare attainments, genial and affable at all times, and much beloved by his brethren. He moved to Perrysburg about 1839, and in 1841 entered into a partnership with his son, James M. Coffinbury, who opened the office for the firm's practice at Maumee City. James was elected prosecuting attorney for this county the same year, and held the office for several succeeding years. He moved to Findlay in 1845, and in connection with his practice, edited the *Findlay Herald* for about ten years. From there he went to Cleveland in 1855. He was severely injured in 1875 by his carriage being struck by a freight train, which resulted in the loss of one of his legs. He was nominated by the Democrats of Cuyahoga county several times for member of Congress and Common Pleas judge. In 1861 he was elected judge of the Court of Common Pleas, and held the office five years.

John Fitch was born in Schodac, Rensselaer county, New York, February 16, 1806. His ancestors played an important part in American history by having descended from Thomas Fitch, Chief Justice and colonial governor of the colony of Connecticut under George III. His grandfather, Thomas Fitch, was a colonel in the Revolutionary army. He was admitted to the Bar in Albany, New York, after reading in the office of Thomas B. Ludlow of Nassau, in his native county, and of James Lynch, of New York City. In the fall of 1836 he moved to Toledo, and was elected prosecuting attorney the first term at which he appeared as a practitioner in our courts, a position which he held for a number of years. He was a terror to the criminal classes whom he was called to prosecute. A keen, skillful lawyer, he left no loopholes for escape. He rose rapidly to distinction at the Bar, and in 1854 was elected judge of the Court of Common Pleas, taking his seat February 9, 1855, and was twice re-elected, retiring in 1870, after serving with distinction for fifteen years. Like his early associates, Judge Potter and Mr. Young, he lived to a ripe old age.

Of the very earliest residents of Toledo, scarcely one attained to more honorable prominence than did George B. Way. Born in Baltimore, May 5, 1811, he attended both Yale College and Miami University, Ohio; was admitted to the Bar in 1832; opened an office at Urbana; and came to Toledo in 1835, at the solicitation of several parties interested in the place. Mr. Way, in 1836, took charge of a printing press and materials, which had been provided, and started a newspaper which was named the *Toledo Blade*, the first number of which was issued in the fall of 1836. At the same time he opened

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an office for practice, which led to early success. During the first three years of the *Blade*, Toledo was the abode of several gentlemen of fine literary attainment, among them Joseph R. Williams and Pierre M. Irving, the latter a nephew of Washington Irving, who contributed to the columns of the newspaper. The credit of conferring the name upon the *Blade* was claimed for two parties —Mr. Way and Mr. Williams. A writer in Livingston's Law Journal in 1858, in a biographical sketch of Mr. Way, stated that he named the paper; while Mr. Williams, in an article in the *Blade* of October 17, 1853, claimed such act as his. Soon after his arrival at Toledo Mr. Way formed a partnership with Richard Cooke, a young lawyer from Connecticut, who died in 1839, very highly respected. Mr. Way then entered into like connection with Daniel McBain, subsequently a resident of Chicago, which continued until Mr. Way left Toledo, in 1846. He had been the mayor and a councilman of the city. Going to Defiance, he became a partner with William Sheffield in practice. In the winter of 1847-8 he was elected president judge of Common Pleas Court for the district, and continued as such until the office was abolished by the Constitution of 1851.

In 1838, two young men came from Norwalk to Toledo, and in a card announced their intention there to practice law. They were John R. Osborn and Myron H. Tilden. The firm of Tilden & Osborn at once assumed a prominent place in the profession. Mr. Osborn, however, did not remain long here at that time. He had served as clerk of the Senate of the State for the session of 1837-8. In the fall of 1839 he returned to Norwalk. There he entered into a partnership with Courtland L. Latimer, under the firm name of Latimer & Osborn. Mr. Osborn was born at Circleville, Ohio, April 1, 1813. He was the eldest son of Ralph Osborn, who was auditor of State from 1816 to 1833, and quite prominent in State affairs at that period. He was graduated at the Ohio University at Athens in the fall of 1831, and entered the law department of Transylvania University, at Lexington, Kentucky. He was also a member of the first class of the law school at Cincinnati, under the instruction of Judge John C. Wright and Timothy Walker; was admitted to the Bar at a term of the Supreme Court held in Jackson county, in April, 1834. He moved to Norwalk in the fall of 1835 and there formed a partnership with Orris Parish, then one of the prominent lawyers of Columbus. It was during this time that Mr. Parish and Judge Higgins got into a controversy that resulted in Parish's imprisonment. It arose in a criminal case, and during the day there was a continual friction between the judge and attorney. Just before the evening adjournment, Judge Higgins lost all control of himself and ordered Parish to be imprisoned over night in the county jail. The Bar sympathized with the attorney, and in procession marched with him to the jail, spending the night with him in high carnival, and in the morning forming an escort of honor back to the court. Mr. Osborn, as a Whig, took an active part in the Harrison campaign of 1840, was elected to the Senate from the district composed of Huron and Erie counties in 1844, and was elected prosecuting attorney of Huron county for successive terms of about seven years. He was a delegate

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to the Republican National Convention of 1856, after which he returned to Toledo, where he continued to practice. He was invited in 1854, by the syndicate organizing the Wabash Railway System, to take charge of the legal department of that system for the state of Ohio; prepared the articles of incorporation, the first bonds and mortgage which were issued, and had charge of the legal business of the company until his death. From 1870 to 1879 he was in partnership with General Wager Swayne, the eldest son of the late Judge Noah H. Swayne, under the firm name of Osborn & Swayne, and in 1883 formed a partnership with his nephew, Alexander L. Smith, which continued to the end of his life. Judge Tilden was born in Central New York, August 15, 1814, and was the son of Dr. Myron W. Holmes, who died before the birth of the subject of this sketch. When three years of age the family came to Ohio, settling in Huron county, where he was adopted by Dr. Daniel Tilden, a pioneer physician, whose name was given him. He was educated at Norwalk Seminary, meantime devoting his spare moments to the reading of standard literature. In 1833 he entered the law office of Thaddeus B. Sturgis, then a leading lawyer of Norwalk, and completed his reading in the office of Judge Lane of the State Supreme Court. Mr. Tilden was admitted to the Bar in 1835. In 1833, in connection with John Kenman, he started a newspaper, the *Western Intelligencer*, at Norwalk, which was ere long removed to Milan. He commenced practice at Norwalk, with fair success, but seeking a larger field he removed to Toledo, where he formed the partnership with Mr. Osborn, which lasted one year. Soon thereafter C. W. Hill, and ere long Henry Bennett, became associated with Mr. Tilden. In 1839 Mr. Tilden was elected to the city council, and in 1840 as mayor, and re-elected in 1842, serving in the latter position for four years. In 1842 he was the Whig candidate for Congress, though, owing to a strong Democratic majority, he was not elected. In 1843 he was chosen president judge of the Common Pleas district, serving as such until his resignation in 1847. Soon after this, in order to protect his interests as a stockholder in the steamboat Indiana, he bought that craft and ran it for two seasons. Not long thereafter he resumed practice, with William Baker as partner. In 1850 he removed to Cincinnati, where he died in 1888.

In the fall of 1837 there appeared the professional card of Swayne & Benjamin I. Brown, who opened an office at Toledo. Swayne then lived at Columbus, and Brown, living in Toledo, attended to the Toledo business of the firm. Judge Swayne became interested largely in Toledo real estate, which he held for many years. As an associate justice of the Supreme Court of the United States he became known throughout the whole country as an able lawyer, an upright judge, and a man of sterling worth. Two of his sons, Noah H. Swayne, Jr., and Frank B. Swayne, are now practicing in Toledo, with success, and are both good lawyers and estimable gentlemen. His eldest son, General Wager Swayne, who also practiced in Toledo for a number of years, is now a member of the firm of Dillon & Swayne, New York City.

Caleb F. Abbott was one of the early settlers in Toledo. He came from Massachusetts, was a graduate of Harvard, and always prided himself on his

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New England birth and education. He was a painstaking and industrious lawyer, an intense Whig, an ardent admirer of Henry Clay, and greatly in love with politics. In a convention to choose delegates to a State convention, the question arising as to the choice between Clay and Harrison for President, he exclaimed: "Who is this General Harrison?" He became, however, a warm supporter of the General after his nomination. Mr. Abbott died in April, 1855.

At the time of the organization of the county Henry Bennett resided at Perrysburg, Wood county, but subsequently removed to Toledo and formed a partnership with Charles W. Hill, which lasted but a short time. He continued to practice for a number of years, but quit the profession some forty years since, devoting his time to other pursuits. He died in 1887. He had lived in retirement from active business for many years, enjoying a comfortable income. He was an amiable, even-tempered gentleman of the old school, at peace with the world and possessing the confidence of the community in an unusual degree.

Among the lawyers practicing here in 1854 was Judge Thomas M. Cooley, subsequently for so many years on the Bench of the Supreme Court of Michigan, member of the faculty of the Law School of the University of Michigan, a member of the Inter-State Commerce Commission, and author of many valuable text-books in law. He was in 1854 the independent candidate for judge of Common Pleas, against John Fitch, candidate of the "Anti-Nebraska," since the Republican party, who was elected. Soon after that time, Mr. Cooley returned to Michigan.

Frederick A. Jones died in Toledo, February 8, 1873. He was born at Grafton, Lorain county, October 10, 1823; received his education at Norwalk, Oberlin and Granville; and was admitted to the Bar in 1849. For a time he taught school at Jackson, Mississippi, but soon returned to the North and practiced law at Granville until coming to Toledo, in 1853, where he continued his practice, having at different times M. O. Higgins and J. M. Ritchie as partners. In 1860 he was elected Probate Judge, and was serving on his fourth term at the time of his death.

Charles E. Perigo was a native of Otsego county, New York, and came to Toledo in 1844, entering the law office of Hill & Bennett as a student, and became a member of the firm as soon as his term of study was completed, which position he held at the time of his death, from consumption, January 27, 1857, aged 33 years. He was a man of strict integrity, pure morals and correct habits.

I am unable to give a complete list of the lawyers who have practiced in the Lucas county Bar. At a meeting of the Bar held in November, 1851, to take action of a complimentary nature on the retirement of Judge E. B. Sadler, there were present thirty-one members. Twenty-six others were either residents at the time or became such soon afterwards. Edward Bissell, Sr., took an active and prominent part in the earlier history of Toledo. His son, Edward, Jr., was educated at Yale College, and began the practice of law in

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Toledo in 1849, after serving as a volunteer in the war with Mexico, 1846-48. He was for many years one of the leading and most successful lawyers at the Bar. His chief characteristic was the absolute thoroughness with which he prepared every case and every matter connected with his professional work. He was one of the thorough scholars connected with the profession. In 1864 he formed a partnership with William H. Gorrill, John H. Doyle and W. S. Thurstin, under the firm name of Bissell & Gorrill. The members of this firm have changed many times since. Mr. Gorrill died in California with consumption, in 1874. Judge Doyle left the firm and went on the Bench in 1879, but Mr. Bissell never would consent to have the firm name changed.

William H. Gorrill died at Oakland, California, in September, 1874, aged thirty-eight years. He was born at Bowling Green, Wood county, in 1836, where he was raised and received his education until his entrance at Michigan University, where he was graduated from the legal course in 1862. Locating in Toledo, he formed a partnership with Edward Bissell, Jr., and was soon on his way to permanent eminence and success at the Bar, when disease of a pulmonary character developed itself in increasing force. Hoping by such change of habit to stay the progress of the enemy, he sought exercise in trips on the lakes and rivers, on which occasions he corresponded freely and very acceptably for the *Toledo Commercial*. In 1869 he sought health in California, where he established the Pacific Bridge Company. The change was successful in a business way and for a time promised confirmed improvement in health; but this was only temporary, as the result showed. He left a wife (a daughter of Judge Walker, of St. Clair, Michigan,) and one child. Few young men have entered active life with higher promise of both business success and personal honor and usefulness, than did Mr. Gorrill.

Henry S. Commager, of Toledo, died at Galveston, Texas, of yellow fever, August 14, 1867. He was there in the capacity of an internal revenue officer. He settled in Otsego, Wood county, in 1838, when quite young, and there was married with a daughter of David Hedges. In 1841 he entered the office of Young & Waite, Maumee, as a student at law; was admitted to the Bar in 1842; commenced practice at Maumee; removed to Toledo in 1852, and was the Democratic candidate for Congress in 1854, his opponent being Richard Mott, the Anti-Nebraska or Republican candidate, who was elected. Mr. Commager was among the first citizens of Lucas county to volunteer for the defense of the Union, in 1861, enlisting first as a private in the Fourteenth and subsequently in the Sixty-seventh Regiment, of which later he was major and lieutenant-colonel. Afterwards he was colonel of the One Hundred and Eighty-ninth Regiment. In 1866 he was again the Democratic candidate for Congress, when he ran 800 ahead of the party ticket, though not elected. He led the Sixty-seventh Regiment in the dreadful charge at Fort Wagner, Charleston Harbor, July, 1863, where he was severely wounded. As a citizen he had a large circle of friends. Judge David H. Commager, of Toledo, is his son.

Charles M. Dorr was among the earliest law students of Toledo, as he was for thirty-five years prominent in political and public affairs. He was born in

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Hoosac, New York, in 1815, and settled in Toledo in 1838; read law with John Fitch; was admitted to practice in 1839; elected to the city council in 1847, and again in 1849; elected mayor of the city in 1851, '53, '55, '57, '65. He was a man of genial temperament and marked personal popularity, as indicated by the elective positions held by him. He died suddenly of apoplexy, April 20, 1870, aged 55 years. October 5, 1841, he was married at Toledo, with Miss Caroline Hertzler, and reared a family of five children.

James M. Whitney died at Toledo, February 7, 1874. Born in Salem, Washington county, New York, November 9, 1802, he was married in 1829, with Lovinia Remell, who died April 5, 1862. February 8, 1863, he was married with Imogene Nicholas, at Mt. Vernon, Ohio, who with one child survives him. With his father-in-law, Mr. Whitney came to Toledo in 1831, and built a log house near what is now the corner of Bancroft and Fulton streets. He subsequently practiced law, and, about 1854, engaged in the hardware trade. He was one of the first justices of the peace in the county, holding the position for several years. He was a man of genial disposition and had many friends.

James M. Ritchie was born in Dunfermline, Scotland, July 28, 1829, and came with his parents to the United States in 1832. In 1852 he moved to Lorain county, Ohio, and there taught school. He was elected justice of the peace in 1854 on the "Anti-Nebraska" issue, and commenced the study of the law, and in 1857 was admitted to the Bar in Lucas county, and permanently settled in Toledo in September, 1858. He was elected judge of the Police Court in 1867, and after holding the office for about a year and a half resigned to resume the practice. He was a delegate to the Republican National Convention in 1880 that nominated Garfield for President, and in the fall of that year was nominated for Congress and elected, serving as a member of the 47th Congress. He is a thorough student, a lover of books, and an orator of considerable polish and power. In criminal cases he has been unusually successful.

Charles Kent was in active practice from 1850 until his death in 1892, during the later years in partnership with his son, Charles E. Kent. The old firm of Bassett & Kent was long a leading one in the profession. It was succeeded by Kent & Newton, and later by Kent, Newton & Pugsley, and commanded more than the average business and confidence. Mr. Kent bore the reputation for a quarter of a century of being one of the ablest lawyers of the Toledo Bar. His first partner here was Edward P. Bassett, whose impaired hearing and feeble health compelled him to abandon active duties long before his death. John T. Newton, for many years his successor in the firm, before retiring from the practice accumulated an ample fortune, whose management occupied his later years. The other member of the firm, Judge Isaac P. Pugsley, was appointed judge upon the elevation of Judge Doyle to the Supreme Court, and was, at the election in November, 1887, chosen as judge of the Common Pleas Court for five years, to succeed Judge Pike.

Judge Joshua R. Seney, who served part of a term as judge of the Court of Common Pleas, and resigned to resume the practice which he preferred, was

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a native of Seneca county, and came to Toledo in 1864. He has been and still is a prominent member of the Bar, and an affable and courteous gentleman.

Judge William A. Collins was in active and general practice for many years, always enjoying the confidence of his brethren and clients. He was an incorruptible and learned judge, and distinguished for his ability and integrity as a lawyer.

Charles H. Scribner was a leading lawyer in Knox county for twenty years before removing to Toledo, in 1869. [Has a separate biographical sketch.—Editor.]

It would be a pleasure to continue these sketches of the brethren of the Bar, but the limited space allotted to this article forbids. Several of the leading lawyers have extended notices elsewhere, and many others are no less entitled to distinction as lawyers of ability and honor than those already noticed.

THE SUPREME COURT IN LUCAS COUNTY.

The first term of the Supreme Court in Lucas county at which material business was transacted was in 1838. There was, however, a short term at which some formal matters were transacted held in July, 1837, presided over by Judges Ebenezer Lane and Reuben Wood; in 1838 the court was held by Judges Lane and Grimke; in 1839, by Lane and Wood; in 1840, by Wood and Peter Hitchcock; in 1841 and 1842, no session of this court was held in this county; in 1843, it was held by Wood and Matthew Burchard; in 1844, by Wood and Nathaniel C. Reed; in 1845 and 1846, by Wood and Burchard; in 1847 and 1848, by Burchard and Edward Avery; in 1849, by Hitchcock and William B. Caldwell; in 1850, by Hitchcock and Rufus P. Spaulding; and in 1851, by Hitchcock and Caldwell.

The new State Constitution went into effect in 1851, and the District Court was created which took the place of the old County Supreme Court. The District Court was held during the thirty-two years of its existence by the following named judges, to wit: Samuel Humphreyville, Lucius B. Otis, ——— Starkweather, Horace Foote, John Fitch, Thomas Bolton, James S. Carpenter, Jesse P. Bishop, Sebastian F. Taylor, Samuel T. Worcester, John L. Greene, James M. Coffinbury, Stevenson Burke, Samuel B. Prentiss, Walter F. Stone, W. W. Boynton, Charles E. Pennewell, Samuel W. McClure, Robert F. Payne, Darius Caldwell, J. M. Jones, Jesse H. McMath, G. M. Barber, E. T. Hamilton, S. E. Williamson, Henry McKinney, J. E. Ingersoll, John W. Heisley. The judges of the Supreme Court who sat with the District judges at various times from 1852 down to 1884, when the Circuit Court was organized, were Thomas W. Bartley, Jacob Brinkerhoff, Milton Sutliff, Josiah Scott, William White, Luther Day and John Welch.

By an amendment to the Constitution, adopted in 1884, a Circuit Court was created, which commenced in February, 1885, when Judges William H. Upson, Charles C. Baldwin and George R. Haynes were elected, for a term of

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five years. Lucas county is in the Sixth Circuit, and two terms of the court are held annually in each county of the circuit. [The history of this court is published in another article.—Editor.]

There were twenty-seven Common Pleas Judges elected in 1851, under the Constitution which then went into effect. Of these it is believed that the following only are now living: Judges Warden and Whitman, both of whom are ex-judges of the Supreme Court of Ohio; Judge Bates, of the Columbus District; Judge Otis, of the Toledo District, and Judge Welker. Judge Horace Foote, of Cleveland, held District Court in Lucas county in sixteen different years; and there was not a term of the District Court in this county omitted during the existence of that court.

THE FEDERAL COURT IN TOLEDO.

By Act of Congress, passed February 10, 1855, the State of Ohio was divided into two Judicial Districts — the Northern, with the courts of Cleveland; and the Southern, with the courts of Cincinnati. In July, 1870, an Act was passed providing for the holding of two terms of the District Court at Toledo, annually, at such times as the district judge should fix, but giving to it no term of the Circuit Court. Judge Charles T. Sherman was then the judge, and held several terms of the District Court here. In 1873 he resigned, and Martin Welker was appointed to succeed him by President Grant, on the 28th of November, 1873. Judge Welker held his first term at Toledo in December of that year, and with three terms at Cleveland and two at Toledo annually, never missed holding his court until his retirement on account of age limit, in January, 1890.

Augustus J. Rix was appointed to succeed him as district judge, January 16, 1890, and has since filled the office. He is a lawyer of deep learning and a judge of high character.

On the 8th of June, 1878, by Act of Congress, the Northern District of Ohio was divided into the Eastern and Western Subdivisions, the Western Division consisting of Lucas, Williams, Defiance, Paulding, Van Wert, Mercer, Auglaize, Allen, Putnam, Henry, Fulton, Wood, Hancock, Hardin, Logan, Union, Delaware, Marion, Wyandot, Seneca, Sandusky, Ottawa, Erie and Huron counties. The Act required all suits of a local nature in the Circuit and District Courts against a single defendant, resident of the State, to be brought in the subdivision in which he should reside; and where there were two or more defendants, residing in different divisions, permitting the action to be brought in either of these. It made all offenses cognizable and indictable in the division where committed, and required all jurors to be residents thereof. This Act made Toledo a judicial center for the territory embraced in the sub-division. The business of the court has been very important, and has brought to our city many of the leading lawyers of the country. During the period covered by the sessions of the court at Toledo, the railroads of the country

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have furnished an important part of its work. Foreclosures of mortgages, administration of railroad properties by the instrumentality of receivers, and the sale of the property, have been a part of the work of nearly every term. The Toledo, Cincinnati & St. Louis, the Wabash, St. Louis & Pacific, the Ohio Central, the Michigan & Ohio, the Toledo & Indianapolis, and its successor, the Toledo, Columbus & Southern, are among the railroad companies that have furnished such litigation in the Western Division, and have furnished a large and lucrative business to the legal profession. Two terms of the District and Circuit Courts are held annually at Toledo (in June and December), each lasting six to eight weeks of active work.

At the time of the organization of the Western Division, Judge H. H. Emmons, of Detroit, was the judge of the circuit comprising the States of Ohio, Michigan, Kentucky and Tennessee, but Judge Emmons never presided at Toledo. He was succeeded by Judge John Baxter, of Knoxville, Tennessee, a man of immense energy, indomitable will and remarkable ability. He was somewhat a terror to the Bar until he became known and his methods understood. He would dispose of a case in the most arbitrary manner, without hearing counsel, and often without hearing the evidence beyond a point which he thought decisive. He was no respecter of persons. The most distinguished member of the Bar had no greater consideration shown him than the humblest and least known. He grew on the profession. As they came to recognize his wonderful perception, his impatience at the "law's delays," and the consumption of time by attorneys which he deemed unnecessary, his absolute impartiality and integrity, the lawyers fell into his way of disposing of business contentedly after the first few years, and the remark would be often made, "He shoots quick but very straight." Off the Bench he was genial, kind and sociable, an entertaining talker and fond of his brethren and their company. During the war Judge Baxter was an uncompromising and fearless friend of the Union, and showed it in many ways that exhibited his nerve and unconquerable will in a place where it was not free from danger. He died at Hot Springs, Arkansas, in 1886, and was succeeded by Judge Howell E. Jackson, of Nashville, Tennessee, who was tendered a complimentary banquet by the Bar of Toledo on his arrival here, at which Judge Doyle presided and which was largely attended. Judge Jackson won his way quickly to the confidence of the Bar and was distinguished for his courtesy, his scholarship in the law, and the patient hearing he gave to every case. He was appointed a justice of the Supreme Court of the United States by President Harrison in 1893 and won the fullest confidence and the highest esteem of his colleagues in that great tribunal during the two years he was permitted to sit with them. He died in 1895. [Adapted from Munsell & Company's History of Toledo and Lucas County, and revised.]

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EARLY JUDGES, COURTS AND MEMBERS OF THE BAR.

REMINISCENCES.

BY HON. HENRY B. CURTIS.

In 1817, then at the age of seventeen years, having just completed a fair academical education, on the advice of my elder brother, the late Hosmer Curtis, then a practicing lawyer at Mount Vernon, I left our home farm in Licking county, and accepted an appointment of deputy clerk in the Supreme and Common Pleas Courts of Knox county, and for more than three years principally discharged all the duties of those offices. My subsequent course of study was under my brother above named, and I was examined personally by Judges Hitchcock and Pease, at Newark, and admitted to the several degrees of our profession on the ninth of December, 1822.

The judges of the Supreme Court, at the early period to which I have referred, were Peter Hitchcock, Calvin Pease, Jacob Burnet and Joshua Collett. Each had peculiar and distinctive characteristics. Hitchcock and Burnet were, perhaps, most profound in knowledge of the law, the former of clear perceptions of the justice and equity of the side his convictions led him to espouse, unbending and unconciliatory. Hence he was generally regarded as pretty hard on young lawyers. On the other hand, Judge Burnet, with equal learning and discriminating powers in the legal questions presented for his consideration and decision, commended himself to the Bar generally for his amiable and courteous manners, and especially to young members, for whose embarrassment in their early efforts he was ever more considerate. Judge Pease was of most jovial temperament, of ready wit, and enjoyed a joke in delivering an opinion from the Bench, or from the forum. Following the judges above named were Justices Sherman, Wright, Lane, Wood, Spalding, and others, whose services seem to me so recent that their characteristics and generous qualities are yet well known and remembered by most of my legal brethren of the present day, and need not be further mentioned.

There was a class of lawyers in central Ohio, belonging to the period of 1810 to 1820, whose names should be mentioned, but who, from age, retirement or removal, had ceased to practice in this part of Ohio at the period to which my sketches are intended to apply. I refer to Philemon Beecher, of Lancaster; Granger, of Zanesville; Edward Herrick and Jeremiah Munson, of Newark, and others.

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My early practice was chiefly limited to the counties of Knox, Licking and Richland; later, embracing other and adjacent counties. It was the custom to follow the courts in their terms, for the several counties of their circuit; so that, substantially, the same Bar would be in attendance, at courts distant from others fifty to one hundred miles. We traveled on horseback, over very bad roads, sometimes mid-leg deep of mud, or underlaid with the traditional "corduroy bridge." Our personal riding gear, the saddlebags stuffed with a few changes of lighter apparel, often our law books; our legs protected by "spatter-dashes," more commonly called "leggins," and our whole persons covered with a camlet, or Scotch plaid cloak; we were prepared to meet whatever weather befell us.

The lawyers in pretty constant attendance at the courts of the three counties above named were Wm. M. Irwin, Thomas Ewing and Charles R. Sherman, of Lancaster; S. W. Culbertson, Wyllis Sillimun, Samuel Herrick, Alexander Harper and Charles B. Goddard, of Zanesville; William Stanbery, of Newark; Samuel Mott and Hosmer Curtis, of Mt. Vernon. A little later came into the profession a younger class who followed the same mode of practice as their seniors Among these were Henry Stanbery and H. H. Hunter, of Lancaster; Richard Stilwell, George James and David Spangler, of Zanesville; Joshua Mathiott, C. W. Searles, James R. Stanbery, George B. Smythe, H. D. Sprague and S. D. King, of Newark; the writer and John W. Warden, Ben. S. Brown, C. Delano, John K. Miller and J. C. Hall, of Mt. Vernon; John M. May, Andrew Coffinberry, Jacob Parker, James Purdy, James Stewart and Wm. McLaughlin, of Mansfield. And in this connection should also be mentioned Edward Avery, Levi Cox, John A. Holland, Samuel R. Curtis and Ezra Dean, of Wooster, and Orris Parrish, of Columbus. The Bars of these several counties, and especially all the members of our profession above named, more or less generally, but in some counties more than others, met at the different courts and participated in the local retainers and forensic contests of the term.

It must not be supposed that because of the rude and primitive character of the civilization of the period, and organization and conduct of the courts, there was any less legal learning or talent on the Bench or at the Bar than the present period gives. On the contrary, there were among those mentioned, giants of intellect, men of profound learning in the principles of the common law, of great power in oratory, and discriminating legal acumen. Many of the older class of the profession had received their education in the eastern schools of learning, and brought with them to our then young State abilities which had been cultivated under more favored opportunities in the East. Our libraries were small and made up chiefly of English authorities, and our practice and system of pleadings conformed to the common-law rules and precedents.

It may well be supposed that meeting together at some favorite "tavern" (such was the name in those days), the genial members of the profession, coming from different counties, would be likely to greet each other with more

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than ordinary warmth and delight. The old "Black Horse," at Newark, kept by that most obliging host, John Cully; the taverns at Mt. Vernon, kept severally by General Joe Brown and J. B. Plummer, and the old hostelries of John Williams and Mrs. Henderson, at Mansfield, would testify to many gay and happy evenings of social recreation and enjoyment. We were generally thrown together in one common, large sitting-room, and frequently, in a large degree, in a like sleeping-room. Thus conversations and amusements would become common through the whole circle. The profession was rather exclusive, and generally protected by the kind landlord from outside intrusion. Hence, returning to our hotel after the quarrels and contests of the court room, and refreshed by a supper now not often seen, we gathered in our big parlor, perhaps around a large, brightly-burning log fire, and were ready for anecdotes, jokes and songs, as the evening and the spirits of the party might invite.

It would be a mistake to suppose that these convivial scenes were inspired by drinking. It is true that to take a cocktail or other glass of liquor was not in those days regarded as evidence of inebriety; yet in all these times of which I speak, with one single unhappy exception, I cannot recall a single instance of drunkenness on these occasions, or excess of indulgence in that vice. At Mount Vernon and Mansfield, songs and stories predominating, Spangler, Goddard and others would hold the older members spellbound with their fine voices in Tom Moore's Melodies, or Orris Parrish wake the echoes, with a chorus from all the voices, in,

> "The Assyrian came down like a wolf on the fold
> And his cohorts were gleaming with purple and gold,"

and other like exhilarating songs.

Speaking of Parrish, I may remark that he was a man of a high order of forensic oratory; more distinguished as a jury lawyer than on a demurrer. In his bursts of eloquence and fervid declamation, he would hold in most earnest attention, the jury and audience; and woe be to the party against whom he permitted the freedom of his abuse. In one instance at the Mansfield court, when he had the closing speech for a young female client, in a slander case, and his vials of wrath against the defendant being full to overflowing, as his turn approached, he privately requested the presiding judge (we then had associates), on some excuse to leave the bench when he would get into the warmth of his speech. The judge, smiling quietly, assented and, at the proper time, retired from the bench, leaving, for a few moments, the unlearned associates to preside over the proceedings. Parrish took his opportunity, and drawing from his pocket a small pistol as evidence of his ability to defend himself from any personal assault he might provoke from the sturdy defendant sitting in front of him, he turned from the jury and apostrophized the defendant, addressing him by name and pouring down upon his head and shamed face the most denunciatory anathemas and personal abuse his fertile mind could invent, or the free vocabulary of the English language admit of. This episode was about disposed of when the judge resumed his seat, and the

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orator closed his speech with one of his grand and felicitous perorations. Lane, J., gave the law of the case to the jury, who, after a short deliberation, returned with a verdict of exemplary damages for the plaintiff.

On one occasion, a little before my admission to the bar, on a cold day in May, in which snow and rain contested for predominance, I accompanied the party of lawyers on their way to the Norwalk court. There were present of the party, Charles R. Sherman, William Stanbery, Hosmer Curtis and Samuel Mott. We made Trucksville, a small hamlet twelve miles north of Mansfield, the first day. The little log tavern looked dreary and inhospitable, and we were all very wet and cold. There was a large fireplace in a back sitting room and a pile of wood near the front door. Some of the party seized the axe, and lustily applied themselves to cutting the sticks to suitable lengths and others carrying in and building a roaring fire. It will be remembered by some of the older members of the association that Judge Sherman, who was ever the life and animation of whatever company he fell into, had, comparatively, a very long nose. It happened that a stranger guest, who had arrived a little before us, had a like facial characteristic. In the process of passing out, and in the cheerful labor of building the fire, the two met in the doorway. The stranger, instantly seizing his own nose and turning it to one side, said: "Now you can pass!" None enjoyed the wit of the joke better than Sherman himself. In our journeying the following day, Mott's horse got his foot fast in a "corduroy," and, falling, tumbled the redoubtable "Colonel" his full length into the cold, slimy and stagnant water. Completely soaked, he was obliged to stop at a cabin on the wayside to dry off. At Norwalk there was no tavern. We found stables for our horses and a lunch at a rustic table under a temporary shed, improvised for the accommodation of persons attending court from the surrounding country. The court was the first held in Norwalk, then lately chosen as the spot for the county seat. Two Indians were indicted, at this first term, for robbing and killing an old man of the name of Spicer, in the western part of the county's jurisdiction, then extending to the State line. I well remember the stolidity that sat upon the faces of the Indians as Lane, then prosecuting attorney of the county, read the several formal counts of the long indictment, and the same were interpreted to them. They were afterwards convicted and hung.

Judge Tod, father of our late war governor, was the presiding judge of the court—a most genial and hilarious gentleman of the old school. At the adjournment of the court the judge, and all the foreign members of the Bar, walked about two miles to the comfortable farm-house and home of the Underhills, who hospitably opened their house for the accommodation of "the court"—which phrase was always understood to include the lawyers. Whittlesey, Lee, Foote and others, from Cleveland, or other parts of the "Reserve," Cooke from Sandusky City ("Ogontz"), and some others added to our party, filled the old double-log farm-house pretty full. Beds were improvised on the floor, and with big log fires, our comfort was very well assured. The evenings were spent in characteristic jovial style. To add to the variety a "charge"

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was made against Chief Justice "Lee" (as he was called, for almost all the lawyers had a title), and a court was organized for his trial. After hearing the charge and evidence, and sundry arguments of counsel full of wit and fun, the court held the unlucky defendant guilty and assessed the grog against him for the next day.

At the organization of the circuit embracing the counties of Muskingum, Licking, Knox. etc., William Wilson, of Newark, was appointed presiding judge, and continued upon the bench till about 1824 or '5, when he was succeeded by Alexander Harper, of Zanesville; later, Ezra Dean, of Wooster; Jacob Parker, of Mansfield, and others. On one occasion, at the Newark court, two negroes had been indicted for stealing articles from a clothes line. Searle and the writer, then youngest of the Bar, were appointed to defend them. We did what we could before the jury, but they were found guilty. Our chief ambition was to beat Judge Wilson, who. after succession of Harper, had been appointed prosecuting attorney, and against whom we young lawyers had a good many sores for rough slaps from him, while on the Bench. We carefully examined the indictment and found a flaw, and full of glee at the hope of beating the "old judge," we repaired late to the "potter's field" bedchamber at Cully's, in which common jokes and conversation from bed to bed were yet being indulged; and on our coming in, turned upon our defense of the negroes, and in which we mentioned our intention to move in arrest of judgment.

"Ah," said Judge Harper from his roost, "but you will be too late; no notice of the motion was given, and the rules require that such notice shall be entered the same day the verdict is rendered. "Is that so?" said one of us, "then we will mend that." Thereupon Searle and his colleague sprang out of bed, then eleven o'clock, and found the clerk still at his books in the court room, with whom we at once filed our motion in due form. The following day when the case was called we presented our motion and showed the omission in the indictment of the word "feloniously," and supported our motion by cases cited from English decisions, where the omission of the word "burglariously" had been held fatal. The old judge was not very good on legal points and but feebly answered our arguments. The court sustained our motion, and the negroes being present, getting the intimation they were free, made a hasty retreat. It was a small thing, but broke the old judge down as public prosecutor.

I was present at the great trial of Jacob Shafer in the Licking Common Pleas in 1824. The defendant was a man of considerable wealth and of good respectability. He had objected to his neighbor erecting a party fence, claiming that, as being set, it invaded his premises, and to enforce his objections brought a gun with him. Words and acts followed, and he shot the man. Shafer was indicted for murder. The counsel employed for the defense were William Stanbery, Thomas Ewing and Philemon Beecher, than whom no abler lawyers could probably have been selected in the State. They were giants at the Bar. The case occupied many days, and the arguments for the defense were submitted in the following order: Ewing summed up the evidence in detail,

and in the most clear and logical manner so presented all the facts as to enforce his deductions with greatest power. He was followed by Stanbery, who dwelt wholly upon the law of the case, and, in an able speech, distinguished for its force and authority, asserted the justification of the defendant in the act committed; or, at least his innocency of the crime of murder. General Beecher closed the arguments for the defense by a masterly and eloquent speech, in which he dwelt wholly upon the motives of human actions, deducing from the philosophy of the case, and its moral principles, the utter absence of intent on the part of the defendant to commit crime. The defendant was convicted of man-slaughter. The case was distinguised chiefly for the extraordinary talent it called forth in the defense. At that time Mr. Ewing was just rising in eminence, and his able speech in this case in a great degree fixed his high position at the Bar.

The appointment by the legislature of Charles R. Sherman to the Supreme Bench was an event hailed by the Bar of central Ohio with great delight. Few lawyers were ever more beloved by their brethren. His remarkably genial, social temperament, united with a fine voice and a happy talent of speech, had won him an enviable position at the Bar, and but for his early death, which occurred in 1829, he would have become equally distinguished as a jurist.

About the same time, perhaps by the same legislature which elevated Sherman to the Bench, Thomas Ewing was elected to the United States Senate. How we missed his genial face and noble bearing in all our social Bar meetings! Or more especially in the contests and ring of battle in the Common Pleas Courts! In the meantime Henry Stanbery and Hocking Hunter had grown into power; the one as the most accomplished lawyer, at all points, of the age; the other, solid, logical, true. These, for a series of years, attended our courts, and, until their high reputations drifted them into wider fields, were regarded as of the local Bar of these central counties.

At one of the early terms of court at Mount Vernon, after Ewing had taken his seat in the Senate, in one of our usual hilarious gatherings on the coming together of the scattered members of the Bar of our circuit, the conversation naturally turned on Ewing, whose absence alone was sufficient to make him conspicuous to our minds. Some one said: "We must write him a letter." Another said: "Let it be in rhyme, and set Dave Spangler at it." "Very well," said Spangler; "I will try my hand, and the rest of you must help." And so Spangler, the following morning, produced his letter, with sundry additions contributed by Goddard and others, and being signed by all the members of the Bar present, it was sent to our honorable senator, in token of our common remembrance of him.

At one of our terms in Knox county, during the presidency of Ezra Dean, a man of the name of Houston was indicted for forgery. Delano was then public prosecutor, and Brown and the undersigned engaged for the defense. The defendant was a reputable farmer, against whom no suspicion of crime had ever before been entertained. We made a sturdy defense, but the proofs of guilt were very strong and made it

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uphill work for us. Our points of defense were, doubts as to the falsity of the paper, and the good character of the defendant. The trial occupied several days, and a verdict of guilty was brought in late on Saturday. Judge Dean was a man of more than ordinary ability, and of high moral sense, but on the Bench was noted for severe and incourteous manners toward the Bar. His rulings were usually pronounced in an imperious tone. Counsel for defendant, in this case, gave notice of motion for new trial. The judge was restive to pronounce the decison on our motion, and proceed to the sentence. Such we foresaw would be a long term in the penitentiary. Whatever might be the guilt of the defendant, we knew his condemnation would break the hearts of the members of his worthy and innocent family, and our sympathy for them, as well as professional duty, impelled us to use all legal grounds by which we might hope to avert the blow. We urged a continuance, which the court refused to grant. We argued our motion for a new trial, which was overruled, with imputations that counsel were filibustering for delay, and which were repelled with indignation. It was the last business day of the term, as the court should open on the following Monday in another county. It was already past ten o'clock. The court room was crowded with an interested audience. Counsel advised the court that we had a motion in arrest of judgment which we proposed to argue, and present numerous authorities, which could not be finished until some hours into Sunday. Therefore we again urged for a continuance, offering ample bail. The judge was inexorable and ordered us to proceed with the argument. Angry words ensued; allusions were made to the notorious Jeffreys, impatient for the blood of his victims, and with piles of law books before us, and an intimation that the church-going people of the following morning might stop at the court house to hear the conclusion of the case, counsel threw off their overcoats and commenced their argument. On the Bench, in the persons of the associates, were one Methodist preacher and one Presbyterian elder, who had conscientious scruples against the desecration of the Sabbath; and, seeing the way the cat was going to jump, asserted their authority, overruled the president judge, and ordered the case continued, fixing the bail at $800.00, which was promptly given, and the court adjourned a few minutes before the advent of Sunday. I need hardly add that our client forfeited his recognizance and moved "to the West." The question naturally arises, "Why were not counsel ordered in arrest for contempt?" The answer is, we knew the associates would not permit it.

On the fiftieth anniversary of my admission to the Bar, December 9, 1872, I gave a reception and supper to my brethren, and announced my retirement from the further active duties and responsibilities of the profession. Since when, except as "jurist consult" for old friends, have given office and legal services only to my own business.

But I love my profession, and regard it as one in which we can do more good to our fellow-men than in any other. And though no longer accepting retainers, I claim the honors of my commission equally as in "ye olden times." [Mr. Curtis died November 5, 1885.]

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THE SUPERIOR COURT OF CINCINNATI.

At an early period in the history of Cincinnati the want of a special court for the disposition of commercial and other business incident to a large mercantile and manufacturing community made itself felt. A court consisting of a single judge and called the Superior Court of Cincinnati was created in the year 1838 and continued to exist down to the time of the adoption of the present Constitution of Ohio in 1851. The judges who successively occupied the Bench of that court were, David K. Este, Charles D. Coffin, William Johnston, Charles P. James and George Hoadly.

After the adoption of the Constitution the same feeling which had brought the old Superior Court into existence led to the creation of the present Superior Court of Cincinnati, the Act providing for which is dated April 7, 1854. The territorial jurisdiction of the court was confined to the city boundaries, and its jurisdiction in other respects was limited so as to exclude criminal, divorce, and other similar business, as well as minor cases coming up on appeal from justices of the peace. The object for which the court was created was to dispose of civil controversies of the larger sort concerning rights of person and property, and, on the whole, after an active existence of more than forty years, it seems to have justified the expectations of its founders.

The organization of the new court is said to have been modeled upon that of the King's Bench. It consisted, and still consists, of three judges, each of whom ordinarily sits in separate session, "Special Term," for the hearing and determination of causes both legal and equitable, and with or without a jury. Each judge has the power to reserve questions that may arise before him to the full Bench in "General Term," where they are heard and decided by all of the judges sitting together. Any party dissatisfied with the judgment of the Special Term is authorized to carry the case by proceedings in error to the General Term for the purpose of reversing the judgment if he can, and the judgments of the General Term are in like manner reviewable by the Supreme Court of Ohio.

As it was originally organized the Superior Court remains to-day, except that an obvious defect in its organization has been removed by the provision that the judge who decides any case at Special Term shall not sit in review of the same case in General Term, and in order that there may be a full Bench in each case, an Act has been recently passed, providing that the presiding judge of the Court of Common Pleas shall sit with the judges of the Superior Court in General Term for the purpose of deciding cases coming up on error.

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The first election of judges was held on the first Monday of May, 1854, and resulted in the choice of William Y. Gholson, Oliver M. Spencer and Bellamy Storer. By classification by lot among themselves, Judge Gholson received a commission for a full term of five years, Judge Spencer for a term of four years, and Judge Storer for three years. The first term of the Court began under auspicious circumstances. The three judges who then qualified and took their seats on the Bench were lawyers of much more than ordinary reputation and capacity. An event rare in the history of the American judiciary occurred: the leaders of the Bar gave up practice and consented to take seats upon the Bench. The firm of Storer & Spencer had long occupied a leading place and enjoyed a lucrative practice at the Cincinnati Bar, and William Y. Gholson had achieved a professional reputation hardly second to any lawyer in the State. A Virginian by birth and a graduate of Princeton, Judge Gholson had practiced for a time in the State of Mississippi, but came to Cincinnati while yet a young man. His keen logical intellect, joined to his power of accurate statement, soon made his influence felt at the Bar, and it was not long before he had gathered around him a profitable clientage.

Judge Spencer has been said to have had a genius for the law, and especially for the judicial field. All his contemporaries speak of him in terms of admiration and enthusiasm. He is said to have been especially broad-minded, equitable and considerate, as well as deeply read in the law, and possessed of acute powers of discrimination. He was a native of Cincinnati, his ancestors having been among the first settlers, and one of them is said to have been captured by the Indians in one of their raids upon the infant settlement. Judge Spencer was re elected a judge of the Superior Court in the year 1859 and died in office in 1861.

Perhaps no man ever sat on the Bench in Hamilton county who made a deeper impression than Bellamy Storer. His long term of service on the Bench, nearly eighteen years, combined with his mental and physical vigor, made him known to the people and the Bar as few other judges have been. Though he has been dead these twenty-five years, there are yet households in Cincinnati where his name is spoken with awe as that of the first of judges. Judge Storer graduated at Bowdoin College and came to Cincinnati in the year 1817, and it is said that the day of his advent was made noteworthy by a physical encounter which he had with an individual who sought to put a slight upon him. Certain it is, that he remained a bold and aggressive opponent to all who encountered him at the Bar. His impetuous temper made him a terror to the foe, as did also his great knowledge of the law, his tenacious memory, and his skill in the application of legal principles to the facts of a case. Coming to the Bench in the maturity of his powers, and after a long and varied experience at the Bar, he was prepared to and did render great service, especially in the disposition of the miscellaneous questions that arise in a busy *nisi prius* court. He was four times elected to the position, and, resigning his office January 1, 1872, died soon afterwards.

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The first of the three original judges to leave the Bench was Judge Gholson, who took his departure at the end of his first term of five years. He afterwards served a term as a judge of the Supreme Court of Ohio, and it is but just to say that his reported decisions rank with the best opinions published by that court. Judge Gholson afterwards returned to the practice, in which he continued with much success to the time of his death.

Judge Gholson was immediately succeeded by another famous lawyer, George Hoadly, who, after serving out his term of office in 1864, returned to the Bar and achieved great success. He appeared as one of the counsel for Samuel J. Tilden before the Electoral Commission created by Act of Congress to determine the contested presidential election of 1876. Judge Hoadly was afterwards elected governor of Ohio, and some years later removed to New York City, where he is now one of the leaders of the Bar.

In 1864 Alphonso Taft was chosen by the people to succeed Judge Hoadly on the Bench of the Superior Court, and he too brought to the discharge of his duties qualities of the highest order. He seemed to have been formed by nature to fill a judicial position. Of broad, clear comprehension, deeply learned, painstaking and accurate, kindly and charitable, deliberate in speech and action, yet as firm as his native granite hills, he seemed to lack no quality necessary to the discharge of his duties in the most successful manner, and his career on the Bench justified this opinion. He served for about nine years in such a manner as to elicit only good words from the Bar and the public, and resigned January 1, 1872, at the same time as Judge Storer.

J. Bryant Walker, son of a distinguished father and a junior member of the Bar, of great promise, whose early death has been much lamented, was appointed to fill the vacancy occasioned by Judge Taft's resignation, and held the place until the ensuing election, when Alfred Yaple was chosen by the people to the position.

Judge Yaple was a native of Ross county, Ohio, whence he came to Cincinnati at the close of the civil war to practice his profession. A great reader, with an excellent memory, he is said to have been a walking encyclopedia of legal knowledge; but he was more than that; he was a good lawyer, having his learning so arranged and digested in his mind that he was able to apply it to a given case with great promptness. He always had about him certain obvious marks of his rural origin, yet he had the profound respect of the community, which was shown in a striking manner in the year 1874, when he was re-elected without opposition. The Republican party, to which he was opposed, paid him the compliment of declining to nominate a candidate against him. At the end of his term in 1879 he returned to the Bar, where he continued in practice until his death in the year 1893.

The regular election in 1879 designated as the successor of Judge Yaple a rising young man who has since acquired a national reputation. Joseph B. Foraker took his seat upon the Bench in that year and began the performance of his duties with characteristic energy. A graduate of Cornell, with a good deal of varied experience acquired during his practice at the Bar, he brought

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to the Bench a strong sense of right, quick and clear perceptions, and strong reasoning powers. While in good health his service was very satisfactory to the Bar; but the confinement of judicial life soon began to wear upon him and his health failed, so that he resigned his position in 1882 and returned to the more active life at the Bar, where he was speedily restored to health and strength. He has since served two terms as governor of Ohio and is now a member of the Senate of the United States, where he has fairly earned the applause of his party and the respect of his opponents.

The vacancy caused by Judge Foraker's resignation was filled by the appointment of William Worthington, who served very acceptably until the ensuing election.

Hiram D. Peck was chosen in 1883 for the residue of Judge Foraker's term, and took his seat upon the Bench. He was re-elected in 1884 and served out his term, ending in 1889, when, declining a renomination, he returned to the practice, and was succeeded by Governor Edward F. Noyes, who served until the following summer, when he suddenly died and John Riner Sayler was appointed to fill the vacancy until the next election (1891), when the present incumbent, Judge Rufus B. Smith, was chosen by the people. Judge Smith was re-elected in the year 1894, and continues to discharge the duties of the office to the great satisfaction of the profession.

The second vacancy on the Bench of the Superior Court was caused by the death of Judge Spencer in the year 1861, and it was filled by no less a personage than Stanley Matthews, of whom it is said that he was elected while serving in the army as a colonel of Ohio volunteers, and that he returned home to take his seat on the Bench. The short period which he served as a judge of the Superior Court was sufficient to indicate the high class of judicial work of which he was capable and his early resignation was a matter of general regret. Judge Matthews was afterwards elected to the Senate of the United States and subsequently appointed a justice of the Supreme Court. His distinguished services in both positions are matters of national history.

Charles Fox, a practitioner of many years' experience and much respected, succeeded Judge Matthews and served out one term, which expired in 1869. He afterwards returned to the Bar, and lived to be its senior member.

Judge M. B. Hagans was in 1869 elected to the position vacated by Judge Fox, and served until 1873, when he resigned to return to practice, from which he retired some years since.

The successor of Judge Hagans was Myron H. Tilden, celebrated for profound learning and for many years a professor in the Cincinnati Law School. He was especially noted for his knowledge of equity jurisprudence and procedure. He served until the year 1878, when he retired in broken health.

Judson Harmon, then in the flush of young manhood, succeeded to the office and continued on the Bench, rendering valuable service, until 1887, when he resigned to become the head of the firm which had theretofore been led by Judge Hoadly, who removed to New York. Judge Harmon was as success-

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ful at the Bar as on the Bench, and was appointed attorney-general of the United States by President Cleveland during his second term.

William H. Taft was the successor of Judge Harmon on the Bench of the Superior Court, and continued thereon until the year 1890, when he resigned to accept the position of solicitor-general of the United States, from which he was further promoted to that of judge of the United States Circuit Court for the Sixth Circuit, which he continues to fill to the great satisfaction of the Bar and people of the circuit.

The vacancy caused by the resignation of Judge Taft was filled by the election of Samuel F. Hunt, whose popularity was further attested by his re-election in 1893 to the Bench of which he is one of the present incumbents.

The last of the three original judges of the Superior Court to leave the Bench was Judge Storer, who resigned January 1, 1872, after a continuous service of nearly eighteen years.

John L. Miner, an old and well known member of the Bar, and a former partner in practice with Judge Gholson, was appointed to and filled the vacancy until the next election, when Timothy A. O'Connor was elected by the people and took his seat upon the Bench, where he remained until 1877, the expiration of his term. During a large part of his term of office Judge O'Connor was troubled by ill health.

Manning F. Force succeeded Judge O'Connor. He brought to the Bench a capacity, training and experience rarely combined in one person. A graduate of Harvard, he came to Cincinnati soon after leaving college and began the practice of law. At the outbreak of the civil war he entered the army and rapidly rose in rank until he attained that of major general. He participated in the Vicksburg and Atlanta campaigns and led his division on Sherman's march to the sea, besides seeing a good deal of other hard service. He was severely wounded at Atlanta, but returned to the army as soon as he recovered, and remained with it until the close of the war. Soon after his return home he was elected a judge of the Court of Common Pleas of Hamilton county, and continued on the Bench of that Court for a period of ten years. After a brief interval Judge Force was elected to the Superior Court, where he remained for two terms. He received the compliment of a unanimous re-election in 1882, the Democratic party declining to nominate a candidate against him. To the regret of the entire profession, Judge Force left the Bench in 1887 because of failing health. A few months at the Bar served to restore him to good condition, but he was not permitted to remain long in practice. At the earnest request of the board of trustees, of Governor Foraker, and many friends, he accepted the position of commandant of the Ohio Soldiers' and Sailors' Home, to which he was appointed in the year 1888 and where he has since been, rendering that careful, conscientious service for which he is noted.

Frederick W. Moore was elected to take the place vacated by Judge Force in 1887. He, too, had been a distinguished officer in the army during the civil war, rising to the position of colonel of the Eighty-first Ohio volunteers, and after the war was appointed to a position in the regular army, which he

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subsequently resigned to return to the Bar. Prior to his election to the Superior Court he had served two terms as judge of the Court of Common Pleas. He was re-elected to the Superior Court in 1892, and retired at the end of his term in May of the present year, 1897, to be succeeded by William H. Jackson, son of the late Justice Jackson, of Tennessee, who comes to the Bench with a good training and from whom valuable service is expected.

JUDGES OF THE SUPERIOR COURT OF CINCINNATI

FROM ITS ORGANIZATION TO THE PRESENT TIME.

William Y. Gholson, 1854–1859; George Hoadly, 1859–1864; Alphonso Taft, 1864–1872; J. Bryant Walker, 1872; Alfred Yaple, 1872–1879; Joseph B. Foraker, 1879–1882; William Worthington, 1882–1883; Hiram D. Peck, 1883–1889; Edward F. Noyes, 1889–1890; John Riner Sayler, 1890–1891; Rufus B. Smith, 1891 —.

Oliver M. Spencer, 1854–1861; Charles D. Coffin, 1861–1862; Stanley Matthews, 1862–1863; Charles Fox, 1863–1868; Marcellus B. Hagans, 1868–1873; Myron H. Tilden, 1873–1878; Judson Harmon, 1878–1887; William H. Taft, 1887–1890; Samuel F. Hunt, 1890 —.

Bellamy Storer, 1854–1872; John L. Miner, 1872; Timothy A. O'Connor, 1872–1879; Manning F. Force, 1877–1887; Frederick W. Moore, 1887–1897; William H. Jackson, 1897 —.

As further showing the class of men who have occupied seats on the Bench of the Superior Court, it may be mentioned that the following positions have been filled by the judges named: 1 Justice U. S. Supreme Court—Matthews; 1 Major General U. S. Volunteers—Force; 1 Judge Supreme Court of Ohio—Gholson; 3 Governors of Ohio—Hoadly, Foraker and Noyes; 2 U. S. Senators—Matthews and Foraker; 2 U. S. Attorney-Generals—A. Taft and Harmon; 1 Minister to Russia—Alphonso Taft; 1 Minister to France—Noyes; 1 U. S. Circuit Judge—W. H. Taft.

In addition to all of which several of the more recent incumbents claim to be still classified as young men, and to live in hopes.

It may not be uninteresting to note that seventeen of the twenty-six judges who have occupied positions on the Bench of the Superior Court were men of collegiate education. Those from Harvard were Walker, Worthington, Force and Jackson; from Yale, A. Taft, W. H. Taft and Smith; from Princeton, Gholson; from Miami, Sayler, Hunt and Peck; from Bowdoin, Storer; from Kenyon, Matthews; from Dennison, Harmon; from Darmouth, Noyes; from Western Reserve, Hoadly; and from Cornell, Foraker. HIRAM D. PECK.

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BIOGRAPHICAL SKETCHES.

THOMAS EWING (1789-1871). Thomas Ewing, commonly known as "The Elder," was born near West Liberty, Ohio county, Virginia, now in West Virginia, on December 28, 1789. His Ewing ancestors were Scotch-Irish. His great-grandfather, Thomas Ewing, emigrated from Londonderry and settled in Greenwich, New Jersey, in 1718. Mr. Ewing's parents were George Ewing and Rachel Harris. His father enlisted in the Second Jersey regiment in 1775, and served throughout the Revolutionary War, gaining a first-lieutenancy. He left an interesting journal, which includes an account of the winter spent by the army at Valley Forge. After the war he removed to Western Pennsylvania, and later to West Liberty, where he taught a school. In April, 1792, he settled with his family at Marietta, Ohio. In an autobiographical sketch, from which is taken much of what is here told, Mr. Ewing speaks of his father as of good English education, fine literary taste, and considerable reading for the time and country in which he lived; and of his mother as a woman of good intellect, but of slender education. She was possessed of great energy and strength of character, as is shown in the following extract from the address delivered at the Marietta centennial celebration by Mr. Ewing's son, General Thomas Ewing. "I have a letter from a kinswoman," said he, "in Westfield, New Jersey, telling me of a trip made to Cumberland county, in that State, in the year 1790, by a woman from the border of the Northwest Territory, who came there after a long absence on a last visit to her aged father and mother. She was the wife of a soldier of the Revolution, who emigrated to the far West after the war ended. She had made the journey from the Ohio over river and mountain, by flood and fell, through an almost trackless wilderness, on horseback, unattended, carrying a boy baby in her arms. No man ever boasted of his lineage with loftier pride than I, when I say that that brave and loving woman was my grandmother and the baby my father." Later the family removed with a few other families up the Muskingum river to the mouth of Olive Green creek, where they erected block houses and cabins. They had little but the bare necessaries of life. The autobiography says: "Salt was for a long time an unknown article. A party of soldiers once left us a very small quantity, and I remember the exquisite relish which it gave to our food." As a child Mr. Ewing saw a good deal of the Indians. Before the peace of 1795, the settlers were constantly threatened with raids. One of the neighbors was killed and scalped in the summer of 1794, and Mr. Ewing re-

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membered seeing the body borne into camp. It realized the imagination with which children were frightened of "raw head and bloody bones." An incident of Mr. Ewing's early boyhood was preserved by a sister. The two, while playing in the woods, were chased by a bear. He told her to run home and waited until she got a considerable start before following. Though the bear nearly caught up with them, he maintained the distance which he had set between himself and her. They reached home in safety after a terrifying chase; and their brother George killed the bear. Before Mr. Ewing was six years old his eldest sister taught him to read. He has noted an interesting mental phenomenon, viz., that in after life he remembered *verbatim* passages which, as a child, he had read without understanding, while he remembered as a rule only the substance of passages that he had understood. His stock of books comprised little besides the Bible, and Watts's "Psalms and Hymns." Before he was eight years old he had read the entire Bible. He understood the four gospels to be accounts of four different advents, lives and crucifixions of the Savior, and was much disappointed when his father explained away this crowning miracle. In 1797 he was taken to the home of his aunt, Sarah Ewing Morgan, at West Liberty, where he went to school for seven months. There has been preserved one funny little incident illustrating his enthusiasm as a student. The reader which he studied had, near the end, the quotation from Proverbs, "The wicked flee when no man pursueth; but the righteous are bold as a lion." He had kept his eye on this quotation as he struggled eagerly through the book. One day he ran home from school and in great excitement cried out to his astonished aunt, "Oh, aunty, I've got to the wicked flee!" After this visit he returned to his father's home, which was now in Athens county, Ohio, seventeen miles beyond the frontier settlement, where he remained for several years. He soon became, next to his father, the scholar of the family, reading much aloud to his mother and sisters; and listening to recitations by his mother, of poetry selected with great good taste, with which her memory was stored. There were some odes of Anacreon, which had been wafted to that strange and distant land. There were songs and ballads of love, misfortune, cruelty and falsehood, history and patriotism. These simple family recitals in the little cabin, before a bright hickory bark fire, gave a delight which nothing in his maturer years surpassed. As he appreciatively says, "while we gain much, there is something we lose by universal learning and abundant literature." He read everything he could lay hands on; Æsop's Fables, The Vicar of Wakefield, newspapers, bringing to his knowledge facts about his own country which his father explained, facts of medicine, and science, questions of philosophy, disconnected, but suggestive. There was a good geography which he studied for its maps aud its fragments of universal history. He walked twenty miles from home, on a trail where, for thirteen miles, there was no house, to borrow from a kindly doctor a translation of Virgil's Æneid. This at odd hours he read aloud to the hired men—rough frontiersmen. "At that point of the narrative," he says, "where Æneas discloses to Dido his purpose of leaving her, and tells her of the vision of Mercury bearing the mandate of Jove, one of the

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men sprang to his feet, and declared that he did not believe a word of it,—Æneas had got tired of her and it was all a made-up story as an excuse to get off: and it was a d—d shame after all she had done for him. So the reputation of Æneas suffered by that day's reading." During the next few years he profited much by the instruction of several cultivated gentlemen who had fled to the frontier to escape temptation to intemperance. The famous "Coon-skin Library" was bought by general subscription about the year 1802, he contributing ten raccoon skins, all his hoarded wealth; it contained some seventy tolerably well-selected books, which supplied him with intellectual food for a few years. Goldsmith's plays and Ossian he particularly mentions, and also notes the absence of Shakespeare's works, which he never saw until he was twenty. But he soon outgrew his opportunities, and between fourteen and twenty made little intellectual progress. He grew to be large and powerful in physique. Much of the time from 1809 to 1812 was spent at the Kanawha salt wells, where, by prodigious exertions, he earned enough money to cancel his father's purchase-mortgage and to pay for his own collegiate education, which he began at Ohio University, at Athens, during this time. To the regular course he added French, omitting Greek, and was graduated in 1815, with the degree of Bachelor of Arts, he and one class-mate being the first to receive a degree from a college in the Northwest Territory. He then entered the law office of the Honorable Philemon Beecher, of Lancaster, and in 1816 was admitted to the Bar. He was, during four or five years, prosecuting attorney of Fairfield county, and succeeded in stamping out the traffic in counterfeit bank-notes theretofore prevalent. His business and reputation grew apace. He settled his father comfortably on a farm near Cannelton, Indiana, where he died in 1824, having lived to see, as he quaintly said, his son fast becoming "one of the great law characters" of Ohio. On January 7, 1820, Mr. Ewing was married to Miss Maria Wills Boyle, daughter of Hugh Boyle, of Lancaster, a young woman of great beauty and charm. She was a devout Catholic. Their married life was one of happiness unbroken until her death, which occurred on February 20, 1864, in Lancaster, where the memory of her virtues and charities has never been forgotten. Perhaps to no one, excepting Mr. Beecher, did Mr. Ewing owe so much as to Judge Charles Robert Sherman, who had a commanding practice, and, though recognizing in Mr. Ewing a formidable and growing rival, never failed when opportunity offered to advance Mr. Ewing's reputation by countenance and commendation. This generosity was repaid, when, after Judge Sherman's untimely death in 1829, Mr. Ewing took into his family, and ultimately sent to West Point, Judge Sherman's great son, William Tecumseh Sherman. Of the Bar at that time Mr. Ewing says:

"A more delightful profession, or a kindlier set of men filling it, is hardly to be found than the Central Ohio Bar during the first ten or twelve years that I was a member. There was personal adventure enough, and physical and mental exercise enough, and more universal social feeling than generally belongs to societies of men. The lawyers on our extensive circuits were

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indeed brother lawyers in habits and feeling. There was no professional jealousy among us. We lodged at the same taverns, ate at the same tables, and often to the number of eight or ten slept in the same large chamber. Generally we were employed on the circuit in cases as they arose, and went to trial on one or two days' notice. The social habits of the Bar rendered study almost impossible; hence the pleadings and practice were loose and irregular. My habits were studious, and I felt the obligation of preparation strongly, and was often almost churlish in withdrawing from a convivial party, to study my coming cause, to the annoyance of my more liberal brethren. But they bore with my eccentricities most kindly, and, though sometimes loud, they were never bitter in their denunciations. For instance, one evening the Bar was having a pleasant sitting at our common hotel on the circuit. Happening to have a case which required study, I was out in quest of authorities, and, as the fun grew 'fast and furious,' I returned with a law book under my arm. Dick Douglas, our wit *par excellence*, exclaimed as I entered the room, 'Here comes the living embodiment of malice at Common Law, a heart regardless of social duty, and fatally bent on mischief.' The mischief on which I was fatally bent, was a special plea or demurrer with which to defeat some good jolly brother-lawyer's case."

The following discussion of Mr. Ewing as a lawyer at the full tide of his successful practice is compiled mainly from an article by the Honorable John Welch:

"The most remarkable thing in Mr. Ewing's method of trying a case was the Napoleonic genius with which he concentrated all the forces at a single point. When you came to the trial and raised your first point, to your surprise he would concede it and you would throw aside your notes in its support. And so of all your other points but one; and when you came to that you would be met by a prompt and vigorous 'No, sir.' By this time he has gained with court and jury such a character for fairness and candor that the battle is half won before the argument begins. And when you came to the argument you found that, deep as you may have gone down into the law and reason of the case, there is a lower depth where he has been. You find, moreover, that his position is defended by a bulwark of solid logic, unthought of by you, bristling with winning metaphors and well-chosen, sharp-pointed Anglo-Saxon words. His very statement of the proposition is itself an argument. He seizes it with an iron grasp, which nothing but victory can relax. In one of these tilts with an adversary, Mr. Ewing offered an item of evidence of doubtful competency, on a rather immaterial point, in an early stage of the trial. His adversary objected and sustained the objection with quite an argument. Mr. Ewing did not reply further than to say that there were 'authorities both ways' on the question. The court rejected this evidence. When they came to the vital part of the case it was found that evidence of the same nature was a *sine qua non* to the adversary's case. Mr. Ewing claimed that his adversary was estopped by the former decision. The court so ruled, and Mr. Ewing gained the case. In his concluding remarks, he made the following quotation from some antiquated version of David's psalms:

"'The wicked man, he dag a pit,
He dag it for his brother;
And for himself he did fall in
The pit he dag for t' other.'

"He was capable of the severest sarcasm when occasion justified it, but rarely resorted to it, and when he did, it was in an unimpassioned and quiet way. His witticisms were frequent, but never vulgar or impure, and always

in the line of the argument. His manner towards his adversary was always kindly and conciliatory, and if his wit or sarcasm wounded him, he won him back by heaping kindness on his head. He was lenient and generous towards younger members of the bar, treating them as equals, and rendering them assistance and instruction whenever necessary and proper. Mr. Ewing was not a graceful speaker; his gestures were clumsy but natural. Direct and unconventional in manner, plain in attire as in speech, his movements of body and mind had an impetus suggestive of power to render obstruction futile. There was not always absent something of the unconscious air of a conqueror. Aside from intellectual processes and legal knowledge, his presence carried with it an undefinable ascendency of will and character. He was not an orator in the popular sense. And yet, in a proper case, a case involving pathos, he could reach the heart, flush the cheek, quicken the pulse, and start the tear. He did it without parade, calmly and without any attempt at euphony. In such cases he spoke to the heart, and not to the eye or ear. On the right side of a question he was invincible, and in doubtful cases seldom failed to triumph. His arguments were perfect illustrations of the science of logic. He made his path as he went sufficiently bright to enable the audience to follow him and find it 'growing brighter and brighter unto the perfect day.' Proposition followed proposition in regular consecutive order, compelling the hearer to anticipate the final conclusion before it was reached by the speaker; and when reached by him it was driven home to stay. His weapon was a battle-axe, and it was wielded with a giant's strength. In both thought and expression he was daring and confident. His style was smooth, plain and Addisonian; never florid, or abounding in *ore rotundo*. It could be transcribed from the tongue to paper without material alteration. Almost every word was the right word in the right place, and no other word of equal force and significancy could be found to take its place. But thought and things, and not words, were his forte. With him language was a mere instrument with which to draw from his great storehouse of learning. And it was a great storehouse. It was a happy union of common sense and science, two elements not often found united in the same person. In him they both abounded in a remarkable degree. His long life was a life of study. He never forgot, but constantly reviewed, continued and enlarged his classics. Notwithstanding his extensive practice, he found time and strength to go over nearly the whole field of human knowledge. Hardly any subject escaped his research, and he had a memory that retained everything he acquired. He was an adept in the exact sciences and a born mathematician. He was familiar with Shakespeare, Milton, Byron and other English poets. He was at home in astronomy, history, zoölogy, anthropology and physiology. He was a botanist, a chemist and a psychologist. Besides all this, he was, of course, deeply read in the law—the common law, the civil law and the American law. He was a walking encyclopedia, and his memory was the index. He never, however, lumbered his mind with triviality, such as the page, the number of the volume, the name of the case, or the like. He had no room in his capacious mind for such little things, filled as it was to overflowing with the recollection of foundation principles, ready to be drawn upon at any moment. But the great secret of Mr. Ewing's success—its cause of causes—is the fact that he was a giant in intellect. He was a born lawyer, equally as Homer was a born poet. Nature gave him a brain and a heart which no adverse surroundings could stifle or control. Those 'twin jailers of a daring heart,' lowly birth and poverty, had no prison that could hold him. With his own manly arm he broke the bars, and escaped into a wide world of knowledge and usefulness."

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Mr. Ewing was a Whig, but took little part in politics until elected to the United States Senate in 1830. His election was due to his acknowledged supremacy at the Bar. In the Senate he added greatly to his reputation. His speeches on the tariff, in 1832, and on President Jackson's removal of the government deposits from the National Bank, in 1834, made a great impression in the Senate, and were widely read. Though in opposition to the administration, and of the minority in Congress, he, almost single handed, forced a reconstruction of the laws relating to the Post Office Department and the public lands. He did not wholly suspend his professional labors, and when at the expiration of his term, under the operation of strict party discipline, he failed of re-election, he resumed his practice with undiminished ardor and success. When General William Henry Harrison became President in 1841, Mr. Ewing was appointed secretary of the treasury. General Harrison offered to General Reasin Beall, of Wooster, Ohio, his companion-in-arms in the Tippecanoe campaign, the portfolio of secretary of war. Had General Beall accepted, the writer would have had his grandfather on his father's side, and a great-grandfather on his mother's side, in this cabinet. General Harrison died on April 4, 1841. Vice-President Tyler, on becoming President, requested the members of the cabinet to retain their places. Congress, assembled in extra session, passed Mr. Clay's bill for rechartering the Bank of the United States, and President Tyler, against the advice of his cabinet, determined upon a veto. A new bill, prepared mainly by Mr. Ewing and Mr. Webster in accordance with the President's suggestions, and passed without alteration, was also vetoed. The limits of this sketch do not permit even a brief statement of this celebrated controversy. I deem it important, however, to say that Mr. Ewing has been wrongly represented as a mere follower of Mr. Clay, whose evident determination to force the submission of the administration seemed to Mr. Ewing arbitrary and selfish. Until he concluded that the President would betray the party, Mr. Ewing made every effort to meet the President's views; and did not consult with Mr. Clay until after resigning. His scathing letter of resignation, in which he declared that the veto was rested "on grounds having no origin in conscience, and no reference to the public good," did much to mark the boundaries that separated the President from the true men of the party. Mr. Webster, the only member of the cabinet who did not resign, urged Mr. Ewing, before his letter was published or shown to the President, to withdraw it; and in the name of the President offered him his choice of the foreign missions, if he would part in friendship. But he declined to withdraw the letter. Before he had resigned a member of the cabinet called to learn what he intended to do, knowing that the cabinet generally must follow his lead. He found Mr. Ewing reading a French book. Said he: "Mr. Ewing, do you read French?" "Yes," was the rejoinder, "and walk Spanish." Mr. Ewing, though fond of public life, cheerfully resumed the practice of the law, from which he derived a large income. He continued in private life until 1849, when General Taylor selected him to organize the Home Department, now called the Department of

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the Interior, of which he became the first secretary. He filled the position with great ability. Soon after entering upon his duties he offered the commissionership of the general land office to Abraham Lincoln, then retiring after a term of service in Congress, of whom Mr. Ewing had formed a high opinion. Mr. Lincoln declined the position and it was then offered to another. Afterward Mr. Lincoln changed his mind, and, finding that the President was not committed respecting the appointment, made strenuous efforts to gain it, but failed. He was a good deal cut up by his defeat. Mr. Coffee, of Lancaster, told that, going to his room, he threw himself on the bed, where he lay, dejected, for several hours. Then, rousing up, he said: "Well, I reckon they'll find some use to put me to yet." Mr. Lincoln preserved an anecdote of Mr. Ewing and Mr. Webster which is told in F. B. Carpenter's Six Weeks at the White House: On one occasion Mr. Ewing had, contrary to his usual custom, indulged in a somewhat bombastic prophecy to the effect that the Democratic opposition to internal improvements would result in our great canals becoming a solitude. This led to his being nicknamed "Old Solitude." Soon after the formation of General Taylor's Cabinet, Mr. Webster and Mr. Ewing happened to meet at an evening party. As they approached each other Mr. Webster, who was in fine spirits, uttered in his deepest bass tone, the well known lines:

> "O Solitude, where are the charms
> That sages have seen in thy face?"

After the death of the President, the cabinet resigned in August, 1850. Mr. Corwin left the Senate to enter the cabinet, and Mr. Ewing was appointed to fill the vacancy. In the debate on the Bradbury resolutions he warmly defended General Taylor and his administration. He strongly opposed the compromise measures of Mr. Clay, particularly the fugitive slave law. His term expired March 4, 1851, and he was not re-elected. Upon the breaking up of the Whig party he no longer considered himself a member of any political organization, but at proper times, as he once said, spoke his own free thoughts and the conclusions of his judgment. His practice, to which he returned, was now largely before the Supreme Court of the United States, and some of his greatest professional work was done after 1850. A suit involving a tract of land in St. Louis, in which he succeeded in establishing an old Spanish title, made his circumstances easy for the rest of his life. The most important criminal case in which he was engaged was the celebrated case which arose out of the burning of an Ohio river steamboat called the Martha Washington. It was tried at Columbus, Ohio, in the fall of 1853, before Judge McLean, of the United States Supreme Court, sitting on circuit. Mr. Ewing defended William Kissane, who was charged with having caused the vessel to be burned, to get the insurance. The Honorable Henry Stanbery conducted the prosecution. After a tremendous battle, the jury disagreed. Kissane was released and never again put on trial. In the election of 1860 Mr. Ewing supported the candidacy of Mr. Lincoln, delivering at Chillicothe, Ohio, a "masterly speech, broad, wise and patriotic," which produced a

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profound impression throughout the North. He was a member of the Peace Convention which met in Washington in February, 1861, on the invitation of the State of Virginia. He was one of the commissioners from Ohio, and his son Thomas represented Kansas, of which State he was Chief Justice, though but 31 years of age. The convention effected nothing toward composing the differences which caused the secession of the South. Though never again in office, Mr. Ewing rendered great public service as a trusted adviser of the Administration during the war. But, important as his personal service was to the Union cause, through his counsel and influence, he was prouder of the distinguished military service of members of his family. Of the splendid achievements of General Sherman, the husband of his eldest daughter, Ellen Boyle, it is needless to speak. Mr. Ewing's other daughter, Marie Theresa, became the wife of Colonel C. F. Steele, who was badly wounded in the desperate assault on Fort Wagner. Three sons, Hugh Boyle, Thomas and Charles, each attained the rank of brigadier general, and the two former the brevet rank of major general. General Hugh had been trained at West Point, was an able disciplinarian, and distinguished himself at Antietam, Vicksburg and Mission Ridge. General Thomas served with ability in Missouri and won a romantic fame for his heroic conduct of the Pilot Knob campaign. General Charles led his regiment in the terrific assault on Vicksburg, May 22, 1863, where, after several standard bearers had been killed, and no one volunteered, he snatched up the colors and planted them upon the parapet of the enemy's works. One son alone, Philemon Beecher, did not enter the service. He was a man of business and peace. During the war he was appointed to the Court of Common Pleas of Fairfield county, where he is remembered as the ablest and most impartial judge that ever sat upon that Bench. In the Reconstruction and Impeachment controversies, Mr. Ewing warmly espoused the cause of President Johnson, who, on February 22, 1868, nominated him to be secretary of war. The Senate refused to confirm the nomination on the ground that, under the Tenure of Office Act, the removal of Secretary Stanton was illegal, and that therefore no vacancy existed. During this period Mr. Ewing wrote several political addresses of great power. One of these was entitled "To the unpledged voters of the United States." The New York *Herald* of September 7, 1868, published it, but changing the *p* to an *f*, addressed it to the "*unfledged*" voters, to Mr. Ewing's great disgust. He continued in active practice until 1865, after which he attended to little business besides old cases. One of these was the case of Magwire against Tyler, in which Mr. Ewing appeared for Mr. Magwire. This case came before the Supreme Court in 1862, and again in the spring of 1869, when it was decided favorably to Mr. Magwire. It came up again in the fall on a rehearing. On October 22, 1869, while addressing the Supreme Court, Mr. Ewing fainted from nervous exhaustion. He remained unconscious for several hours. On October 22, 1896, twenty-seven years later, to a day, while addressing the same court, in the same room, his son, General Thomas Ewing, lost consciousness. The venerable Justice Field, who sat at the hearings in both cases,

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noted the remarkable coincidence in the date. Mr. Ewing regained his health, and his life was prolonged for two years; but in the fall of 1871 he began to fail rapidly. On October 18, he developed alarming symptoms. Next day absolution and extreme unction were administered to him with his full knowledge and assent, and before death he received the Holy Communion, though he was not until then a member of the Catholic Church. On the 19th he calmly told his son Philemon that he could not expect to live beyond a week, perhaps not another day, and gave a few simple instructions for his funeral and the disposition of a portion of his property. He died in Lancaster on October 26, 1871, surrounded by his children and grandchildren; and was buried by the side of his wife in the Catholic cemetery at Lancaster. Soon after his death his son, General Thomas Ewing, wrote of him: "To most of those who knew him the habits of self-restraint and intellectual labor which withdrew him from the resorts of men were a barrier to intimacy. They only knew of his power at the Bar and in the Senate. But others of culture and purity akin to his own were drawn to him by common tastes and sympathies, and learned to feel how noble and great he was. Only such can fitly commemorate him." One such friend, the Hon. A. F. Perry of Cincinnati, said of him:

"The main works of Mr. Ewing's life were at the Bar. His fame was spread abroad and his great capacity made more widely known by his official positions. But his grade as a man of intelligence was definitely that of his grade at the Bar. I am not aware that I ever met a stronger man. In breadth, impetus, and logical force, Mr. Ewing's mind had no superior, at least none which has come within the range of my observation. It may be that the necessary struggles of his early life fixed upon him an aspect of sternness which he carried through the vigor of his life. His nature was too large and full not to be moved by genuine sympathies; but it was sometimes possible to wish them more demonstrative. In his later years, after his combats were ended, all this was changed. A more lovable, affectionate, sympathetic nature was never bestowed on man or woman. As he neared the evening horizon the orb of his being seemed to grow larger; its rays neither penetrated nor scorched any more, but filled the scene with tranquil affections. While arguing the McMicken will case, he used an expression, considerately muffled, which could mean nothing else than negation of religious belief. It did not imply positive disbelief, but simply absence of belief. With such a mind as his, the line between religious belief and the want of it is narrow. It depends upon the existence of deity and the immortality of the soul, and belief in those is less the result of reason than of intuition; rather a part of the constitution of the mind than a product of the mental operations. It would seem that as his will, the dominating trait of his mental structure, subordinated itself to the supremacy of his affections, he left that side of the line on which he stood at the McMicken argument, and passed over to the side where waited for him the departed mother of his children."

[By Thos. Ewing, Jr., New York, February 28, 1897.]

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HENRY STANBERY, Cincinnati. Honorable Henry Stanbery, one of the giants in the law, was born in the city of New York, February 20, 1803, and died in the same city, June 26, 1881. He was the son of Jonas Stanbery, a physician, who emigrated to Ohio and settled in Zanesville in 1814. Henry was a studious boy, applying himself to books with eagerness and zest. His literary taste was innate and his understanding remarkably clear. At the age of sixteen he was graduated from Washington College, Pennsylvania, and took up the study of law the same year. He was qualified for practice long before attaining his majority, but was obliged to wait for admission to the Bar until the lawful age was reached. In May, 1824, he was admitted by the Supreme Court in session on the circuit at Gallipolis. Immediately afterwards he was fortunate in receiving an invitation to become associated with Thomas Ewing. No possible association in Ohio could have been more desirable. Mr. Stanbery settled himself in the office of Mr. Ewing, at Lancaster, and soon afterwards tried his first case before a justice of the peace. It was an action of replevin for a cow, and he was accustomed to speak of it afterwards as his "great first cause, least understood." He won the case and charged his client a fee of five dollars, which was settled by note. Subsequently one-half the amount was paid in oats to the lawyer's landlord, and the balance was never paid. Mr. Stanbery kept the note throughout his life as a souvenir of his first contest and victory in the law. Such was the beginning of a lawyer who afterwards commanded thousands in a single fee. His association with Thomas Ewing continued until 1831, when the latter was elected United States Senator. He rose rapidly in his profession, rode the circuit with Mr. Ewing and other distinguished lawyers of the locality, and won his own position in the front rank. No county Bar in the State was more eminent during a period of thirty years than that of Fairfield county. Lancaster became widely known and acquired a national reputation through the ability and character of her lawyers. Mr. Stanbery maintained his residence there until 1846, when he removed to Columbus on account of his election to the office of attorney-general of the State, created that year. He was the first occupant of the office and therefore charged with the duty of inaugurating a system for the new department of justice. He remained in Columbus about five years, and built up a valuable practice in United States courts and in the Supreme Court of the State. He was elected a member of the constitutional convention of 1850, in which his superior abilities and large experience were utilized to great advantage. His broad learning, practical wisdom and skill in parliamentary debate gave him much influence in the important discussions of that body. He was fully conscious of the responsibility resting upon the men called to the solemn duty of framing the organic laws of a prosperous commonwealth. His duty was intelligently and conscientiously performed. In 1852 he removed his law office to Cincinnati, where he continued in practice, most of his time being occupied in the appellate courts. His growth as a lawyer was uninterrupted through his whole life and his career is in evidence of the fact that acquirements in the profession are practically boundless. So long as a student of law

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Henry Stanley

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lives and retains possession of his faculties he may learn and grow. There is no limit save that of mental capacity. Mr. Stanbery devoted the full measure of his powers and his devotion to the law. Occasionally he delivered public addresses on popular themes, and sometimes he discussed political topics on the stump. But his place was the forum, and in the gladiatorial combats of the forum his victories were won. He was no seeker of political office and seldom participated in the fierce contests of the campaign. He was born into the Whig party and supported its creed until the interests of slavery divided it and occasioned its dissolution. His convictions led him to oppose the encroachment of slavery upon free territory, and naturally led him to join the forces organizing the Republican party. He was firm and enthusiastic in his support of the administration of President Lincoln; firm and true in his loyalty to the Union. He accepted the office of attorney-general of the United States tendered him by President Johnson in 1866, from a noble sense of duty, after much deliberation. He recognized the peril to which the government was exposed by the unseemly and intemperate quarrel between the Executive and Congress. His desire to be of service when wisdom, integrity and conservatism were of so great importance, and the council of his most intimate friends influenced him to accept the exalted office. He resigned a year later in order to serve as one of the eminent counsel of the President under impeachment. His keenness, his grasp of principles and his discriminating knowledge of technical law were of great service in that memorable trial. The condition of his health was so delicate that he was unable to endure the strain of oral argument, and the charm of his delivery was lost. He was obliged to submit his argument in writing. Afterwards the President nominated him for justice of the Supreme Court, but a hostile Senate, more as a rebuke to the Executive than as an expression of unfriendliness to the nominee, refused to confirm the nomination. Mr. Stanbery returned to Cincinnati and resumed his law practice, having acquired a national reputation and a character for independent thought and action that honored him. His domestic life was always beautiful and free from discord. He was married in 1829, at Lancaster, to Frances E., daughter of Philemon Beecher, an able member of the Fairfield county Bar. By this marriage he had five children: Frances E. and Henry, deceased; Philemon B., of Pomeroy, a lawyer and judge, whose biography is published in this volume; Louisa and George. His first wife died in 1840, and he was subsequently married to Cecilia Bond, daughter of William Key Bond, of Chillicothe, who survived her husband about nine years. There was no issue of this marriage. Mr. Stanbery died of acute bronchitis, after an illness of three days, in New York, and his ashes repose in the beautiful Spring Grove Cemetery, at Cincinnati. His last words were: "I have been neither saint nor savage, but have tried to do my best." Henry Stanbery was no ordinary man. His name can never be omitted from any list of half a dozen of the greatest lawyers of central and southern Ohio. Impartial history will always accord him an honorable place among the few whose national fame is imperishable. His brain possessed the

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creative quality—the capacity to evolve principles, when authorities were inadequate to apply to cases of equity or law. He lived and practiced at a time when books were less numerous and authorities less prolific than in these times. It was a time when lawyers read less and meditated more on their cases. The studious were more thorough and their achievements more brilliant. The perception of Stanbery was wonderfully acute. His apprehension of facts, however carefully concealed or deeply buried by circumstances or verbiage, was marvelously clear and accurate. He was able to penetrate the thickest disguises and unravel the darkest sophistries. A judge of the Supreme Court of the United States at one time said: "Mr. Stanbery is the most-accomplished and elegant advocate that ever appeared before this court." His manner was reserved, but not cold or repellent. There was a pronounced dignity in his bearing that did not invite familiarity; but there was no affectation. Perfect naturalness was characteristic of his social contact and intercourse. He was on all occasions courteous and kindly disposed toward younger members of the profession who sought his advice. Politeness was inseparable from his manners. Kindness and gentleness were among the adornments of his life under all conditions. Witnesses did not writhe and rebel under his cross-examination; for he never abused or insulted them. In gentle tones, conveying assurance of friendly interest, he directed his inquiries to the ascertainment of the truth, and the witness, charmed and flattered by this unusual deference, responded without reserve. His cross-examinations were successful because he disarmed antagonism and established confidential relations with the witness. He was a man of marked individuality, as well in personal appearance as mental characteristics. In stature he was tall and slender; in attitude as erect as a granite shaft. His manner of speech was earnest and impressive. One of the eminent lawyers and jurists of Ohio has contributed a brief estimate on request of the editor:

"It is difficult to formulate an estimate of Henry Stanbery as a lawyer. Most men who have become eminent at the Bar have shown marked characteristics which were easily discernible, and for which they were especially noted. It was not so with Mr. Stanbery. He was, beyond question, the most symmetrical and evenly rounded lawyer of great prominence of which we have knowledge. It is certain that he had no equal in this respect among the lawyers of the Ohio Bar. There have been others of perhaps greater strength in certain lines, but none of them seem to have been so evenly balanced in their talents or acquirements. There was no field of legal practice in which he was not highly accomplished and perfectly at home. His knowledge of the rules of pleading and practice seems to have been practically perfect and always at command. It was a current saying among the lawyers of his time that he never was known to make a mistake in pleading, or to misconceive the true theory of his case, or to allow any point of importance to escape him. However true this may be, it illustrates the fact that he was a most accurate common-law pleader and a most careful and accomplished lawyer. In the trial or argument of a cause and in everything connected with his profession as a lawyer he was by general consent the most graceful-mannered man of his time. It was said of him by one of his contemporaries that he could do nothing from the picking up or laying down of a book or paper to the great-

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est earnestness in the argument of a case that was not graceful and lawyer-like. He did everything naturally, and his manner at the Bar and elsewhere was characterized by the highest dignity, accompanied by a marvelous ease of manner. His ambition was that of a lawyer, and he cared little or nothing for political preferment. The official positions which he held were all in the line in his profession. As a member of the constitutional convention of 1851, as attorney-general of Ohio, and as attorney-general of the United States, he displayed the highest qualities of a lawyer. These positions were congenial to his nature, and he performed the duties in each of them, not only with fidelity, but with a zeal approaching enthusiasm. It has always been understood that he was, perhaps, the most influential member of the constitutional convention of 1851 which framed the present Constitution of Ohio, and this is certainly saying much, when it is remembered that he had as associates in that body such men as the late Rufus P. Ranney, Sherlock J. Andrews, Peter Hitchcock, General Samuel Mason, Judge Joseph R. Swan, and many other lawyers of marked abilities. Among those who have exercised a salutary and elevating influence upon the profession of law, it is doubtful if any man stands higher than Henry Stanbery. He must certainly be ranked among the foremost. He honored his profession and was honored by it."

GEORGE HOADLY, Cincinnati and New York. Honorable George Hoadly, twenty-eighth governor of Ohio elected by the people, was born in New Haven, Connecticut, July 31, 1826, the only son of George and Mary Ann Hoadly. His mother (a daughter of William Walton Woolsey and Elizabeth Dwight Woolsey of New York) was a great-granddaughter of Jonathan Edwards, a niece of President Dwight of Yale College, a sister of President Woolsey of Yale College, an aunt of Theodore Winthrop, who was killed at Little Bethel early in the war of the rebellion, and an aunt of Miss Sarah Woolsey, known in literary society as "Susan Coolidge." His father was a man of great learning, integrity and purity of character, and very highly esteemed in social and public life, being at one time mayor of New Haven, Connecticut, and afterwards mayor of Cleveland, to which place he had removed with his family in 1830. The subject of this notice, a very bright boy, received his elementary education in Cleveland, and at the age of fourteen entered Western Reserve College at Hudson, Ohio, graduating there in 1844. He then entered the Harvard Law School at Cambridge, Massachusetts, spending one year there under the instructions of Judge Story of the Supreme Court of the United States and of Professor Simon Greenleaf, and from there he spent a year at Zanesville in the office of Charles Converse, a very prominent lawyer, who afterwards became judge of the Court of Common Pleas, and also of the Supreme Court of Ohio. Leaving in the fall of 1846, he came to Cincinnati and entered the office of Chase & Ball, and was admitted to the Bar in August, 1847. Remaining in the office of Chase & Ball, he secured the confidence and friendship of Salmon P. Chase, who, distinguished as a lawyer, was rising to prominence in political life, became governor of the State of Ohio, senator of the United States, secretary of the treasury of the United States

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and finally chief justice of the Supreme Court of the United States. During all these passing years the friendship of Salmon P. Chase and George Hoadly grew warmer and stronger, and continued to the death of Judge Chase. The acute perception of the trained lawyer in the very prime of life, and at the threshold of a most noteworthy public career, enabled him to discover very quickly the remarkable capacity of the young student, fresh from law school. More than that; he soon discovered in young Hoadly that peculiar assemblage of intellectual faculties which constitutes a legal mind and affords the best endowment of a successful lawyer. The student grew into the firm and was very early entrusted with large cases. When Mr. Chase's political duties withdrew him from his professional duties, the care and trial of many cases of which he had charge devolved upon Mr. Hoadly, who had become a member of the legal firm of Chase, Ball & Hoadly. The ability manifested by him in their management secured the confidence of the clients of the firm and of his brother lawyers. In 1851 he was elected judge of the Superior Court of Cincinnati by the legislature, for the residue of the term to which that court had been limited by the constitutional convention. His predecessors, Judges Este, Coffin, Johnston and James, were all men of eminent ability, and their judgments had gained for that court a high reputation, which Judge Hoadly, notwithstanding his youth and inexperience, ably sustained. This court going out of existence, Judge Hoadly in 1853 entered into partnership with Edward Mills, and became city solicitor in 1855-6. In 1859 he again took his seat on the judicial Bench, succeeding Judge W. Y. Gholson in the new Superior Court. He was re-elected in 1864, but resigned the office in 1866 to form the partnership of Hoadly, Johnson & Jackson, which soon took rank among the most successful law firms. When the constitutional convention of 1873 was to be created, for the revision of the Constitution, he was chosen one of its members and took an active part in all its proceedings. He was chairman of the committee on municipal corporations and devoted some eight months exclusively to the work of the convention. In addition to his labors on the Bench, and at the Bar, Judge Hoadly devoted much time as professor of the Cincinnati Law School, filling a professor's chair therein for eighteen years, and at the same time was an active trustee of the Cincinnati University. In fact all his time not engaged in his legal duties was devoted to the public in some capacity. In his early career as a politician he was a Democrat, but the growing interest in the question of slavery was creating a difference in the party. Strong-minded men like Governor Chase and Judge Hoadly refused to bow before the slave power, and boldly strove to purify the country from this black shame. From the independence of such men was born the Republican party, in which Governor Chase, Judge Hoadly and many of their Democratic friends became prominent and faithful leaders until the end of the war of the rebellion had forever made this country one of freedom, when he, with many others, returned to the Democratic party as the party of all needed reforms. In the celebrated contest between Hayes and Tilden he represented the Tilden side as

counsel before the Electoral Commission, which had been appointed by Congress to settle the disputed question of the Presidency. In 1875 his Alma Mater conferred upon him the degree of LL. D. In 1883 the Democratic State convention nominated him for governor, and, although prostrated by sickness and unable to take an active part in the campaign, he was duly elected by a plurality of thirteen thousand, notwithstanding the confidence of the Republican party with their very popular candidate. In 1851 Judge Hoadly married Mary Burnet Perry, the third daughter of Captain Samuel Perry, one of the earliest settlers of Cincinnati. He has a family of three children — George, a graduate of Harvard University, B. A. in 1879, LL. B. in 1882, a member of the legal firm of Harmon, Colston, Goldsmith & Hoadly; Laura, and Edward Mills, a civil engineer. As a lawyer Judge Hoadly possesses large and varied abilities. He is painstaking in his researches, able and honest in counsel, clear and forcible in argument, strong in the management and trial of causes. As a judge his quick perception and deep penetration enabled him to apprehend readily the substantial matter and the legal questions involved in a controversy; while his sound reasoning and integrity of purpose led to correct conclusions. He was seldom reversed. His good temper happily supplemented other qualifications for service on the Bench. He was always courteous to members of the Bar and never manifested irritation. In private and social life he is beloved and trusted as a man warm and true to his friendships, and charitable to those who differ from him. He is a good friend to a young man struggling for success in the legal profession. In March, 1887, he removed to New York City, where the legal firm of Hoadly, Lauterbach & Johnston was formed, to the extensive business of which the judge now confines his attention. He is entirely out of politics.

ALLEN GRANBERY THURMAN, lawyer, jurist, statesman and scholar, came from that State which has produced so many names illustrious and influential in American history. For six generations his ancestors had been natives of "Old Dominion"—Virginian descendants of Cavalier stock. He was born at Lynchburg, Virginia, November 13, 1813. His father was the Rev. Pleasant Thurman, a Methodist minister, and his mother was an only daughter of Colonel Nathaniel Allen, nephew and adopted son of Joseph Hewes, the latter one of the signers of the Declaration of Independence. In 1819, when Allen Thurman was but six years of age, his father transplanted the family to Ohio, for the reason, it is said, that he had renounced his belief in slavery and desired to emancipate his bondsmen, and on the free soil of the young and promising Buckeye State, take a fresh lease upon life. The family settled in the pretty and then thriving village of Chillicothe, which was thereafter the home of Allen Thurman until his removal to Columbus in 1853. The father's capital, at the time of locating in Chillicothe, consisted mainly of his ability, industry and education, and to support the family in the new northern home, he taught school. His son Allen, a slender, sickly lad, was one of his

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pupils, at once distinguished for studious and industrious habits—traits which characterized him through his entire, eventful life. The father and teacher died a few years after the removal to Chillicothe, and Allen's education was thereafter directed, and indeed mostly conducted by the good mother, a woman of rare mind and attainments and well able to impart most excellent instruction. Allen fitted for college, attending the Chillicothe Academy, but the home could not spare the means necessary to send the boy to college, and Allen, from this period on, may be classed, with many of our most distinguished public men, as "self-educated." He most ambitiously and diligently improved his opportunities. His resolution, that he would through his own efforts acquire, at home, as much as his more fortunate early school-mates might learn at college, was more than realized. While maintaining himself and assisting in the support of his widowed mother, he ardently adhered to his books and read and studied unceasingly. At eighteen, when a clerk in the town post office, he learned from the postmaster, also one of the official surveyors of the Virginia Military District in Ohio, the science of land surveying, which he practiced while fitting himself for the Bar. By association with a neighboring French-Canadian family in which, gossip romantically relates, there was an attractive mademoiselle for whom Allen had a boyish attachment, he obtained a fair knowledge of the French language—a study he never ceased to cultivate—which became his favorite literary recreation and yielded him profit and pleasure throughout life. He had begun the study of law under the tutorage of his uncle William Allen, a resident of Chillicothe, afterwards United States Senator and governor of Ohio, and at twenty-one was appointed private secretary to governor Robert Lucas. With the governor he temporarily resided at Columbus, the State capital. His position in the governor's office afforded him many opportunities and advantages. While discharging the duties of this office he continued his legal studies with Noah H. Swayne, then one of the leading lawyers of Columbus, and later associate justice of the United States Supreme Court. At the age of twenty-two (1835), Allen Thurman was admitted to the Bar and at once began, in Chillicothe, the practice of his chosen profession, in which he immediately displayed marked proficiency. He became the law partner of his uncle, William Allen, who was at this time a member of Congress, and who entrusted his large law practice to the care of his nephew, young Thurman. The Honorable R. A. Harrison, in a speech on the "Early Ohio Bar," says of Mr. Thurman at this time:

"His possession, in an unusual degree, of the personal qualities and traits of character which at once attract attention and inspire confidence — his great power of patient and persistent investigation, thoroughly digesting and making available for use his accumulation of knowledge — his prompt instinct of the substance of principles and affairs — the keenness of his power of analysis and at the same time the strength of his power of generalization — his great readiness and skill in the use of every weapon of honorable forensic warfare — his sterling integrity — his self-reliance and independence of character — and his striking personality quickly gave him high rank in his chosen profession, and a large practice throughout southern Ohio, and placed him on the Supreme

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Bench of this State, with the universal approval and acclaim of the Bar, when he had been a practicing lawyer only sixteen years. Among the second generation of the early Ohio Bar, Allen G. Thurman was universally recognized as a leader. In order to fully appreciate this fact, it should be remembered that there were giants in those days, and a good many of them. The fame of many of Judge Thurman's colleagues at the early Ohio Bar, both as lawyers and as statesmen, was as broad as the country. Their careers somewhat influenced the course of his career. The names of some of them became as familiar as household words in every American home. Among his contemporaries may be mentioned Thomas Ewing, William Allen, Thomas Corwin, Thomas L. Hamar, Samuel F. Vinton, Thomas Morris, Charles Hammond, Benjamin Tappan, Henry Stanberry, Salmon P. Chase, Benjamin F. Leonard, George E. Pugh, Thomas Scott Robert C. Schenck, William Creighton, Rufus P. Ranney, Noah H. Swayne (one of Judge Thurman's law preceptors), Morrison R. Waite, Stanley Matthews, Benjamin F. Wade, John Sherman, George H. Pendleton, William S. Groesbeck, Aaron F. Perry, William Dennison, Jr., Hocking H. Hunter, Joseph Olds, Sherlock J. Andrews, Wells A. Hutchins, Edwin M. Stanton, Sampson Mason, William Johnston, Peter Odlin, William Kennon, Joseph R. Swan, Phineas B. Wilcox, Charles B. Goddard, William A. Rogers, John W. Andrews, John T. Brasee, Henry B. Payne, George Hoadly, Nelson Barrere, Clement L. Vallandigham, James H. Thompson, Bellamy Storer, Charles Fox, Nathaniel Wright, William Y. Gholson, William V. Peck, Oscar F. Moore, Richard Stilwell, and Alfred S. Dickey. Is there any State in the Union that has ever had a Bar of greater men, either as lawyers or statesmen, than the Bar of which Judge Thurman was one of the most conspicuous members?"

In November, 1844, Mr. Thurman was married to Mrs. Mary Tompkins, a daughter of Walter Dun of Fayette county, Kentucky, and widow of Mr. Gwynne Tompkins of Lexington, Kentucky. Upon the death of her husband, Mrs. Tompkins with her mother and little daughter had removed to Chillicothe. This marriage proved a most happy one for both parties. They were inseparable and loving and congenial companions for nearly half a century, until Mrs. Thurman's death in 1893. The same fall and just before his marriage, Mr. Thurman was elected by the Democrats of his district, which usually gave a Whig majority, to the 29th Congress. When he entered that body December 1, 1845, he was its youngest member. At this time Congress became agitated with a fresh outbreak of the "irrepressible conflict" concerning slavery. In this his first service in public life Mr. Thurman evidenced his ability, his strong partisanship, his unflinching integrity and his fearless independence. He was always a Democrat of the strictest sect, but fair and just. In the House of Representatives he took no aggressive stand against slavery in the Southern States, but with many other Northern Democrats he opposed the attempted repeal of the Missouri Compromise, which restricted the territorial limit of slavery, and he supported by voice and vote the "Wilmot Proviso," which proposed to extend the anti-slavery provisions of the Ordinance of 1787 to our newly acquired Mexican territory. It is claimed for Mr. Thurman that he was at no time in sympathy with the traitorous and rebellious teachings of the Calhoun school of Democracy, but that he was on all occasions outspoken in his opposition to the doctrines of nullification and secession. Some of the

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platforms of his party in Ohio drawn by himself are quoted as evidence of Mr. Thurman's loyal views. In the House of Representatives Mr. Thurman was placed on the judiciary committee and readily distinguished himself as a young lawyer of great promise. In spite of the brilliant and auspicious opening of his political life Mr. Thurman's experience in the 29th Congress did not conform to his taste or his ambition, and at the end of his term he decided that the practice of law was more congenial to him than a public career, and declining a renomination, he returned to his law office in Chillicothe and there rapidly acquired a large and lucrative practice until 1851, when at the age of thirty-eight he was elected one of the five Supreme Judges of Ohio under the newly adopted State Constitution. In this election he led the other names on the ticket by 2,000 votes. He served as Chief Justice from December, 1854, to February, 1856, when he refused a renomination and resumed his law practice at Columbus, which became his residence for the remainder of his life, excepting his official stay in Washington. As a member of the Bench Mr. Thurman ranks exceedingly high. His cotemporaries were Rufus P. Ranney, Thomas W. Bartley, Joseph R. Swan and William Kennon—a remarkably strong body of men. Mr. Thurman was not a legal genius like Mr. Ranney, nor had he the intellectual instinct of Mr. Swan, but he had an innate and unerring sense of justice, a breadth and impartiality of view, a rugged and unswerving hatred of wrong and fraud. He hewed to the line of truth, let the chips fall where they would. Fairness united with a firm grasp upon the fundamental principles of law and justice gave his decisions great weight. His opinions as recorded in the reports of the Supreme Court are conspicuous for their clear, cogent reasoning and accurate statement of the law. He is universally recognized as one of the ablest, most learned and best judges in every respect Ohio has ever had. After retiring from the Bench, for some ten years Judge Thurman devoted himself assiduously and most successfully to the practice of the profession he so fondly followed. Ripe in learning and experience, few lawyers were his equal. Of the lawyer at this period a distinguished intimate friend writes:

"To us business men he was a lawyer and his place of business was a one-story, two-room frame house, on his home lot, located where the Great Southern Hotel now stands (Columbus, Ohio). The sign at the door read 'Allen G. Thurman, Attorney at Law.' The front office was a store-room of books—not of law only, for he was an omnivorous reader—upon which he could draw for anything and everything in useful literature. The rear office was his work-shop, where, piled in careless confusion on shelves, tables, chairs and on the floor, were the books and documents of his current work.

"A courteous, kindly greeting met the caller at the door, whether he be a client with thousands at stake; a young lawyer seeking advice and help; a neighbor to have a chat; a book agent, 'bringing coals to Newcastle'; an office-seeker, with an application for his signature; or a tramp begging a dime. Judge Thurman's natural goodness of heart made his office an ever flowing spring, in which cups of every kind were dipped and filled, and deeply drank from, as the water so freely given was pure and refreshing. That office was a work-shop where midnight oil was burned, for then at least he was undis-

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turbed. Clad in an old knit woolen jacket with unbuttoned vest, easy slippers on his feet, while a dense cloud of tobacco smoke formed a halo around his head, he pored over his books and did his thinking and writing. Such application and industry turned out only the best of work, in law and fact. There, truth impaled sophistry, ethics unmasked hypocrisy, logic had no fustian, and reasoning being from the initial, the conclusions were rational. Advice given and papers drawn in that office were terse, clear and comprehensive; saying just what was meant, and meaning just what was said.

"Judge Thurman's judicial mind saw clearly both and all sides of a question, and his honesty of purpose said that justice and not chicanery should be embodied in every paper that went from his office.

"He was a close student, a wide reader, and was gifted with an unusually tenacious memory; hence he stored a large fund of information which he could at any and all times promptly use to the best advantage.

"His mathematical mind loved truth for the truth's sake, and he pursued the truth regardless of obstacles, as he did in his early life, when a land surveyor. He went with his instruments straight and steadily on to a closure, regardless of a tree, or rock, or river, or swamp; and the greater the obstacles, the greater his satisfaction in overcoming them.

"He loved the law more than the profits thereof, as his fees were moderate when compared with those of other lawyers for like work. In his view, the first duty of a lawyer to his client was to prevent, not encourage litigation; but if that could not be, then to fight to the end."

His style in the court room was a splendid sample of the old school of advocates. He thoroughly mastered a case before presenting it. He had a relentless hold on the great principles of law and he employed facts with the unerring aim that a frontier huntsman would drive a bullet to its mark He was slow in coming to a conclusion, very forcible in expressing it when reached. His mind worked in a logical order, so that he was truly convincing at the Bar. He would sum up a case and deliver it to a jury as a general would organize, marshal and move his troops upon a redoubt—arranging law and facts in a most invincible and comprehensive way. He utterly spurned the shams and tricks and deceptive technicalities of law, or forensic bombast. His simplicity and truth made him almost irresistible. His method of speech was of the most direct character. He made little effort to ornament his argument, but talked right on in plain, pure, strong, good old English. There was no rhetorical pyrotechnics, few if any quotations from poets or orators—nothing "to tickle the ear or please the fancy." His effort was to convince and persuade, and he commanded alike the closest attention of the most learned judge or most illiterate juror. Judge Thurman's last appearance as a lawyer in the courts of the country was as one of the counsel for the State in what is known as the "Tally-sheet Forgery," tried in the Common Pleas Court, Franklin county, in 1887. Many weeks were occupied in the trial of this case. The defendants were charged with altering tally sheets so as to defraud certain persons out of offices to which they had been elected. The accused were members of Judge Thurman's political party, but his anxiety to preserve the purity of elections was so intense that he did not hesitate to enter upon this prosecution and conduct it with great vigor. For many weeks,

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although constantly suffering great physical pain, he was in daily attendance upon the court. His argument was one of great power and replete with the noblest sentiments of patriotism. We reproduce his closing words to the jury, which were inspired not only by his love of party, but by a stronger love for his country:

"But I do want this party to which I belong now more than sixty years — for I began when I was a child — this party which has done so much for me and which I have conscientiously believed in, which has its faults, which has been wrong sometimes, as all parties have been wrong, but in which I have believed, to which my faith has been pledged and has been kept — I do want that party in the going down of the sun of my life, when I shall look for the last time abroad on the earth, I do want to see that party still standing, still respected, still honored and still deserving the good will and kindness and support of all my fellow-beings."

During the decade from 1857, when Judge Thurman retired from the Supreme Bench, until his re-entrance into public life, the great Civil War spread its horrors over the country. Judge Thurman desired to be regarded during the period as a patriotic War Democrat. In a letter to a friend he defined his position in this national crisis in these words: "I did all I could to help preserve the Union without war, but after it began I thought there was but one thing to do, and that was to fight it out. I therefore sustained all constitutional measures that tended in my judgment to put down the rebellion. I never believed in the doctrine of secession." In 1867 Judge Thurman was placed in nomination as the Democratic candidate for the governorship. His Republican opponent was General Rutherford B. Hayes, who was then a representative in Congress. This gubernatorial campaign was most exciting and closely contested. The questions at issue were the national reconstruction measures which the Democrats bitterly assailed, taking their stand upon a platform prepared by Clement L. Vallandigham and practically advocating State supremacy. In this election also was involved the adoption or rejection of an amendment to the Ohio State Constitution, eradicating the restriction of the elective franchise to "white" citizens and granting negro manhood suffrage. This amendment had been submitted to the voters of the State by a joint resolution of the Republican legislature of 1866–7. With his party Mr. Thurman opposed the amendment and in the campaign vigorously stumped the State for over four months. The result was a partial victory for the Democracy. Judge Thurman was defeated for governor by less than 3,000 majority — the negro suffrage amendment was overwhelmed with some fifty thousand adverse majority, and the Democrats carried, by a small majority, both branches of the legislature. Both Mr. Thurman and Mr. Vallandigham became candidates for the United States senatorship. The Democratic caucus, by a vote of two to one, selected Mr. Thurman, and on March 4, 1869, he took his seat in the Senate, succeeding Benjamin F. Wade. At the close of his first term his party again carried the legislature, thus securing his re-election to the Senate. At this same State election ex-Senator William Allen, his uncle, was elected governor, by less than one thousand majority. Mr. Thurman was thus

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accorded a continuous senatorial career for twelve years (1868–1880). Judge Thurman's service in the Senate won for him the esteem and confidence not only of his own party, but, to a great extent, of his countrymen without regard to party. When he entered the Senate he found his party colleagues but a handful of Democrats — a minority numbering but one to five of their Republican opponents. He was readily assigned the leadership of his political confreres. He coped with a galaxy of eminent statesmen. He met during his service Sherman, Conklin, Blaine, Edmunds, Morrill, Evarts, Logan, Carpenter, Hoar, Chandler, Morton, Cameron and others, most distinguished for ability, eloquence and statecraft. He was easy the peer of any in his own party, and in him the chiefs of his antagonists met a "foeman worthy of their steel." There was not one important debate in the Senate while he was a member in which he did not take a conspicuous part, and no member was more respectfully or attentively listened to. He was not a showy speaker. His long connection with the Ohio Supreme Court Bench gave him a certain judicial manner, which was always noticeable whenever he addressed the Senate. It was like a judge summing up a case to the jury. Apart from his great legal attainments, clearness of comprehension, logical method of statement and readiness in reply, this habit of taking both sides of the question into account and considering them impartially was, to a certain extent, one of the sources of his great influence. It was this which gave his words such weight that whenever he stood up to speak men always expected to get a clear idea of the question at issue. He was less a partisan pleader than a judicial expounder. His methods of defense and attack were singularly effectual in a serenely deliberative body like the Senate. He seldom delivered prepared and formal speeches, and although he often spoke at length upon important questions, his efforts were usually off-hand and extemporaneous. He exercised great influence, due to his pure and honest character and his blunt and fearless courage in the exposure and denunciation of fraud and corruption — no matter whether the exposure might uncover foe or friend. He won a reputation for judicial fairness and readiness, dignity and power in debate, especially upon questions of constitutional law. Of his legal standing as a member of the Senate and the opinion concerning him shared by one of his greatest opponents the anecdote is related that during a long legal argument Senator Conkling repeatedly turned to Judge Thurman, addressing his remarks apparently to him alone. They were not particularly complimentary or agreeable, and Judge Thurman, feeling that Mr. Conkling was giving him too much of his attention, asked excitedly and in an angry tone: "Does the senator from New York expect me to answer him every time he turns to me?" Conkling hesitated a moment, and the crowded galleries bent over expecting a scene. They were disappointed. With his inimitable grace, Mr. Conkling replied: "When I speak of the law I turn to the senator from Ohio as the Mussulman turns towards Mecca. I turn to him as I do to the English common law, as the world's most copious fountain of human jurisprudence." Mr. Thurman was chairman of the important committee on judiciary of the Senate. It was

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in that capacity that he rendered his best service to his country, and in this, so far as it was the unpartisan service of resisting attempts upon the public treasury, he was loyally aided by his close friend, the leading Republican lawyer of the Senate and a member of the judiciary committee also, Judge George F. Edmunds, of Vermont. Together they secured the passage of the "Thurman Act," enforcing the obligations of the Pacific Railroad to the government, the most signal victory won in our time in a pitched battle between the people of the United States and those who wished to despoil them. How Thurman's ability and character were seen by his political opponents is shown by the following extract from James G. Blaine's "Twenty Years of Congress":

"His rank in the Senate was established from the day he took his seat. He was an admirably disciplined debater, was fair in his methods of statement, logical in his argument, honest in his conclusions. He had no tricks in discussion, no catch phrases to secure attention, but was always direct and manly. He left behind him the respect of all with whom he had been associated during his twelve years of honorable service."

In a letter to the writer of this article, received soon after Judge Thurman's death, ex-Senator George F. Edmunds, of Vermont, thus speaks of him:

"He was a man of extraordinary learning, both in law and literature. He was easily the recognized chieftain of his party during his career in the Senate. He was a clear, concise and powerful debater. Although we differed radically upon subjects that are called party politics, I always felt absolutely safe in relying upon his powerful co-operation and patriotism in respect to all business affairs of the Nation. And where we differed I could not but admire and respect the intensity of his conviction and his pure earnestness of purpose. He was a man of absolutely upright character and honor."

While he was generally classed as a strict party man and as essentially a cónservative, his consistency of purpose and integrity were always evident. He opposed the Civil Rights Act on the grounds upon which it was afterward overthrown by the Supreme Court; he opposed the Redemption Act, supported the Bland-Allison Act and the anti-Chinese legislation. He was a member of the Electoral Commission in 1877, and one of the seven voting to seat Tilden as against the eight voting for Hayes. During the administration of President Hayes, when the Democratic party was in the ascendency in the Senate, Mr. Thurman was chosen president *pro tem.* of that body. The Republicans controlled the legislature chosen to elect Mr. Thurman's successor. James A. Garfield was their choice, but before the time for him to take his office, he had been elected President of the United States. As he was inaugurated March 4, 1881, Mr. Thurman retired from the Senate, yielding his seat to John Sherman, then retiring with the cabinet of Mr. Hayes. Between President Garfield and Senator Thurman there had long existed the most cordial personal relations, and the newly-made President appointed the retiring senator, with ex-Senator William M. Evarts, of New York, and ex-Senator Timothy O. Howe, of Wisconsin, as United States Commissioners to the International Monetary Conference held in Paris in 1881. Upon his return, after a

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year spent in Europe, Mr. Thurman was elected with ex-Chief Justice Thomas M. Cooley, of Michigan, and ex-Minister Elihu B. Washburne, of Illinois, to serve upon the Advisory Commission in the troubles over the differential rates between the trunk railroads leading across the country. In the Democratic National Convention of 1876, at St. Louis, Senator Thurman received a few votes as a nominee for the Presidency. In the convention of 1880, at Cincinnati, the first ballot gave him the entire vote of the Ohio delegation, with considerable support from other States. In 1884 he was a delegate at large to the National Convention of his party at Chicago, and was again put in nomination, and stood next to Cleveland and Bayard on the first ballot. In the convention of 1888, at St. Louis, he was nominated for Vice-President by acclamation, but in the election was defeated, with Mr. Cleveland at the head of the ticket. In this campaign, although in his seventy-fifth year, he surprised both political friends and foes by the vigor of his efforts. He made powerful speeches for his party in many of the leading cities of the Union. After that political contest he lived quietly in retirement in his beautiful home at Columbus. He died peacefully, surrounded by his children and grandchildren, December 12, 1895. Senator Thurman was in appearance a striking and picturesque personage. His figure, heavy-set and rather below the average height, supporting a massive head, with large, rugged features, framed in a somewhat shaggy beard and long, profuse locks of hair, at once suggested a leonine nature and mind. In harmony with this was a heavy but pleasing voice. His presence commanded attention and respect under any surroundings. But the chief elements that entitled him to the esteem of the public and the admiration of personal friends were the modesty and simplicity of his manner, the integrity of his motives, the honesty of his methods and the purity of his private life. He was ever kind and generous, and never neglected to extend a helping hand to the deserving who sought his advice and assistance. Looking back upon his past life, he once said, in tones that broken health made tremulous, to one of his lifelong friends: "I never intentionally wronged a human being out of a cent." Perhaps nothing better illustrates the man's life than that simple remark. In fact, honesty and justice were religion with him. The creeds of the churches never bothered him greatly. He read and studied the Bible as he studied all that he deemed worthy of an earnest man's attention in literature, but he never professed a religious belief. It has been justly observed that the sobriquet of "Old Roman" that was applied to Judge Thurman of late years had more appropriateness than such nicknames, especially of eulogistic kind, are apt to have in our politics. There was, indeed, something Roman in the combination of his character. He was not a gentleman of the Chesterfieldan school of politeness; his address was liable to be abrupt, but kindly; his courtesy was inherent, not assumed or acquired; he was genial, and his good humor seldom ruffled. He abhorred ostentation, never advertising himself in the press; kept no scrap-books of newspaper compliments, and despised the public man who kept a diary. On his seventy-seventh birthday anniversary the Thurman Club of Columbus, Ohio, tendered Mr. Thurman a

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banquet, known as the "Old Roman" banquet, at which a thousand men, many of them of national renown, drawn from all parts of the country, participated. President Cleveland presided, and toasts were responded to by many prominent government officials and leading orators. It was a remarkable and rare tribute to a citizen in private life—a voluntary homage to the character of one wholly withdrawn from public office or influence. Perhaps this sketch cannot be more fittingly closed than with the quotation repeated by Governor McKinley at the Thurman Memorial Meeting held at Columbus a few days after Mr. Thurman's death. Said Mr. McKinley:

"I can never forget when the shafts of malice were cast at General Garfield, Judge Thurman was among the first to proclaim his faith in the honesty and purity of that statesman. I want to read you what General Garfield said sixteen years ago, when elected to succeed Judge Thurman in the Senate. This, my friends, is the message to you from the martyred President. I would have every word placed on your record. It is not only a voice from the dead, but expresses the sentiment of every one of our sixty millions of people. Garfield said:

"'I recognize the importance of the place to which you have elected me, and I should be base if I did not also recognize the great man whom you have elected me to succeed. I say for him that Ohio has had few larger-minded, broader-minded men in the record of our history than Allen G. Thurman. Differing widely from him as I have done in politics, and do, I recognize him as a man high in character and great in intellect; and I take this public occasion to refer to what I have never before referred in public, that many years ago, in the storm of party fighting, when the air was filled with all sorts of missiles aimed at the character and reputation of public men, when it was even for his party interest to join in the general clamor against me and my associates, Senator Thurman said in public in the campaign on the stump—when men are as likely to say unkind things as at any place in the world—a most generous and earnest word of defense and kindness for me which I shall never forget so long as I live. I say, moreover, that the flowers that bloom over the garden wall of party politics are the sweetest and most fragrant that bloom in the gardens of this world. And where we can fairly pluck them, and enjoy their fragrance, it is manly and delightful to do so.'"

RICHARD A. HARRISON, Columbus. Richard A. Harrison is a native of our mother country, that land that shares with ancient Rome the honor and glory of originating the legal and judicial system that is the pride and model of our modern civilization. He was born April 8, 1824, in the city of Thirsk, Yorkshire county, England. His father was Robert Harrison, a mechanic and a local minister of the gospel in the Methodist Episcopal Church, a man of sterling character and pronounced intellectuality. His mother was Mary Almgill, a woman of the good English stock of the beautiful and prosperous shire of York. Richard came to the United States with his parents in 1832; the family were induced to make this transplanting of their home from "Merrie England" to the "home of the free and the land of the brave" by the accounts which they had received from a son who had preceded them in

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R. A. Harrison.

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the emigration. They first settled in Waynesville, Warren county, Ohio, and shortly thereafter removed to Springfield, Clark county. Richard at this time was but eight years of age, and was the youngest of nine children. His parents bestowed upon the boy all that parental love could prompt, and the thrift and frugality of a humble home could spare. But Richard's training was mostly in the preparatory school of adversity and later the broader university of the world's affairs. The rudiments of his education were acquired in the public schools of his village, especially the Springfield High School, from which young Richard graduated during the principalship of the scholarly and accomplished Rev. Chandler Robbins. While still in school he contributed to his own support by faithfully fulfilling the humble duties of "devil" in a printing office, and at the age of twelve, thrown solely upon his own resources, he sought and obtained employment in the office of the *Springfield Republic*, then edited and managed by John M. Gallagher, at one time speaker of the Ohio House of Representatives, the editor of the *Ohio State Journal* for several years, and a man of great ability and encyclopedic information. The *Republic* was in those days the influential Whig paper of the State. Under this most practical and valuable tutelage, Richard remained until 1844. It was the formative and informing period of the boy's mind, and in this academy of the "Art of Arts"—the printing office—which has graduated self-made men whose merited laurels in life's struggles have outshone the honor of many another's college degrees, Richard, like that other "Poor Richard" of Benjamin Franklin, became accomplished in the accurate knowledge and facile use of his mother tongue, as well as endowed with that knowledge of multitudinous affairs that it is the province of the press to gather and disseminate. Without doubt it was in these years, when he stood plodding patiently at the compositor's case, that the foundation was laid of his ready and precise diction, so that both in speech and with the pen "his words, like so many nimble and airy servitors, trip about him at command." The true lawyer, like the genuine poet, is born, not made. And the natural and irresistible bent of Richard's mind was in the direction of the legal profession, and he readily accepted the opportunity of becoming a student in the law office of William A. Rodgers, one of the most eminent members of the Ohio Bar. This he did in the year 1844. The late William White, a judge of the Court of Common Pleas ten years and of the Supreme Court of Ohio twenty years, and at the time of his decease a judge of the United States District Court, was a school-mate of Mr. Harrison and a fellow-student in the law office of Judge Rodgers in Springfield, Ohio. Mr. Harrison, after eighteen months' study under the direction of Judge Rodgers, entered the Cincinnati Law School, the first law school established west of the Alleghanies, at that time having such admirable instructors as William S. Groesbeck and Charles Telford. The full course of the school was but six months, and he graduated in the spring of 1846, and by virtue of his diploma was admitted, without further examination, to the Bar on his twenty-second birthday, April 8, 1846, at London, Ohio, by Judges Hitchcock and Wood of the Supreme Bench. At

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that time the Supreme Court consisted of four judges, and at the close of the December term, in March, held in Columbus, the court divided and two judges went upon the circuit, which lay north of the National Road, and two upon the southern circuit. London was the location of the first court to be held in the southern division. Mr. Harrison was then, as he has been heard to relate, "poor as Lazarus" — even being compelled to purchase on credit the few books of his office library — at once began the practice of his profession at London, where he resided until May, 1873, when he removed to Columbus. His rise was not meteoric, like the "flight of mercury," but steady, sure and permanent, like the enduring growth of the oak which Mr. Harrison so much in solidity of mind and stability of character resembles. His clients came cautiously at first, soon confidently and in numbers. An amusing incident occurred during the trial of the first case in which Mr. Harrison appeared as counsel in a court of record. On the morning of the day before the trial he left his boots to be mended, explaining to the shoemaker that the work must be done before the court met the next morning, as he had no other footwear except a pair of old-time "carpet slippers." He was assured that the boots would be ready at the appointed time without fail; but the promise was not kept. The case was called. The shoemaker happened to be a witness for the plaintiff, and his journeyman had been subpœnaed as a witness for the defendant, who was Mr. Harrison's client. On cross-examination of the shoemaker, Mr. Harrison asked him whether he had not made certain statements to his journeyman, which were very different from his testimony in-chief. The witness admitted he had made such statements, but explained that when he made them to the journeyman he was not under oath. Mr. Harrison then inquired, "John, you are still under oath, are you?" The witness said, "Yes." "When, then, will you have my boots mended?" "By to-morrow noon," was the answer. The boots were done a couple of hours before the time fixed under the solemnities of a judicial oath. His practice was that of the usual practitioner of the day, the "circuit traveller" with its crude means of transit, its romantic and varied experiences in court and tavern. Not only throughout southern Ohio, but in other parts of the State his clientage called him. Mr. Harrison has never been an office-seeker; public office has never been in the line of his ambition or his taste, but true citizen that he is, he has discharged his duty to the commonwealth of both State and Nation when called upon by his fellow-men. His political honors have been many, and to the gift of each he has added the luster of his learning, the value of his invincible integrity, sound wisdom and indefatigable devotion to duty. In politics he was first a Whig and then a Republican. In the fall of 1857, when Salmon P. Chase was re-elected governor of the State, Mr. Harrison was elected a member of the House of Representatives from Madison county. It was an exciting and close contest, Mr. Harrison, as the Republican candidate, being opposed by a formidable combination of the adherents of the Democratic and "Know-Nothing" parties. Mr. Harrison was successful by a majority of twenty-four. In the Ohio House of Representatives,

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which convened in January, 1858, Mr. Harrison met as colleagues such members as Judge J. A. Ambler of Columbiana, Judge W. H. West of Logan, Judge J. M. Briggs of Fayette, Judge W. R. Rankin of Franklin, James Monroe, later the veteran congressman from Lorain, Judge Isaac C. Collins of Hamilton, and Judge William B. Woods of Licking, later of the United States Supreme Court. Amid this galaxy of gifted scholars and statesmen, Mr. Harrison was accorded at once conspicuous rank. It was a largely Democratic body. The judiciary committee consisted of seven members, with Judge Rankin as chairman. Messrs. Harrison and Ambler were the only Republican members, but to Mr. Harrison was accorded a very large share of the work, and in this field his legal learning, unerring judgment and fervid patriotism found ample employment. Through this committee Mr. Harrison introduced, and caused to be enacted, many of the leading laws of our State. Among these were the bills concerning the relation of guardian and ward; providing for the semi-annual payment of taxes; for the relief of the District Courts and others of equal importance. Little opportunity, however, was given Mr. Harrison for the development or display of his forensic powers. Those were the days when party lines were closely drawn, and important measures, especially of a political nature, were dictated by that tyrant of party politics, "King Caucus," and propelled by partisanship through the House without proper public deliberation or debate. But toward the second session, the winter of 1858–9, Mr. Harrison's eloquence burst forth in the discussion over the report of the commission appointed at the preceding session to investigate the State treasury defalcation. Governor Chase was serving his second term, having been re-elected by the Republican party. By this report of the commission, his political opponents attempted to implicate and besmirch the character of the governor. In his special message communicating the commissioners' report to the House, the governor called attention to the invidious criticism embraced in the report. To rebuke the governor, it was moved to print the report of the commission without the message of the governor accompanying it. The gross injustice of this political partisanship aroused Mr. Harrison, and he obtained the floor for the defense of the wronged governor. In the delivery of his speech, the earnestness of his efforts brought on a sudden attack of hemorrhage of the lungs; his friends, alarmed at the incident, insisted that he should not proceed with the discussion, but despite their importunities, after a brief respite, he continued his speech to its forcible conclusion. He was borne from the room in a condition of complete exhaustion. But his persuasive, logical and just argument dominated the House, and the message of the governor was published with the report of the commission and the attempted partisan thrust at Mr. Chase fell unavailing. It was a dramatic scene, but characteristic of Mr. Harrison's fearlessness and love of justice and fair play. In 1859 Mr. Harrison was promoted by his constituents to the State Senate. The Senate of 1860–61 was distinguished for the ability and brilliancy of its members, among whom were James A. Garfield, afterwards President of the United States, Jacob D. Cox, later general of the army, governor of the State and

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member of General Grant's cabinet; Judge Thomas C. Jones, Judge Thomas M. Key, James Monroe, E. A. Ferguson and others, whose names have since been illustrious in the annals of our State and Nation. Mr. Harrison was made chairman of the judiciary committee, and was elected president *pro tempore* of the Senate. In this position he exhibited the qualities of an admirable presiding officer; calm, dignified, impartial, with a thorough comprehension and a ready application of the principles of parliamentary law. The session of 1861 was one of the most memorable in the history of the State. It was the period of the outbreak of the great rebellion and the Nation's peril. During that session questions of the greatest moment, not only of State, but of Nation, were considered and acted upon. Those were the times that tried men's souls, and called for the exercise of the utmost calmness, the deepest wisdom, the most unflinching courage and unwavering patriotism, and often the sacrifice of lifelong party principles. Among the matters brought before the members were the measures to strengthen the public credit, provide ample currency, raise and equip armies, provide ways and means for the common defense and the maintenance of the Federal Union in all its entirety and integrity. To all these Mr. Harrison gave courageous, efficient and zealous support. The power and resources of his mind, the strength of his character, the deep devotion of his loyalty, were all consecrated to the opportunities and duties of the hour in behalf of the cause of the country of his adoption. Before the Rebellion shook the Nation with its initial reverberations, Mr. Harrison, as a loyal lover of peace and humanity and a disciple of law and order, did all in his power to avert the storm of civil war. James Buchanan was still President, and in view of the threats of the Southern States, had sent a special message to Congress on the subject of the contemplated uprising of the South against the federal government, in which he had ostensibly taken a position in favor of the maintenance of the Union. Mr. Harrison with his Republican colleagues took the ground that they should assume the integrity and sincerity of President Buchanan in his message, and in support of such a policy, Mr. Harrison had the honor, on January 12, 1861, to introduce in the Ohio Senate the following joint resolutions, of which he was the author:

"I. That the people of Ohio, believing that the preservation of the unity of government that constitutes the American people one people is essential to the support of their tranquillity at home, of their peace abroad, of their safety, of their prosperity, and of that very liberty which they so highly prize, are firmly and ardently attached to the national Constitution and the union of the States.

"II. That the general government cannot permit the secession of any State without violating the obligations by which it is bound under the compact to the other States and to every citizen of the United States.

"III. That whilst the constitutional rights of every State in the Union should be preserved inviolate, the powers and authority of the national government must be maintained, and the laws of Congress faithfully enforced, in every State and Territory until repealed by Congress, or adjudged to be unconstitutional by the proper judicial tribunal; and that all attempts by State authorities to nullify the Constitution of the United States, or the laws of the

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federal government, or to resist the execution thereof, are revolutionary in their character, and tend to the disruption of the best and wisest system of government in the world.

"IV. That the people of Ohio are inflexibly opposed to intermeddling with the internal affairs and domestic relations of the other States of the Union, in the same manner and to the same extent as they are opposed to any interference by the people of other States with their domestic concerns.

"V. That it is the will and purpose of the people of Ohio to fulfill in good faith all their obligations under the Constitution of the United States, according to the spirit and intent thereof, and they demand the faithful discharge of the same duty by every State in the Union; and thus, as far as may be, to insure tranquillity between the State of Ohio and the other States.

"VI. That it is incumbent upon any States having enactments on their statute books conflicting with, or rendering less efficient, the Constitution or laws of the United States, to repeal them; and it is equally incumbent upon the general government, and the several States, to secure to every citizen of the Union his rights in every State, under that provision of the Constitution which guarantees to the citizens of each State all the privileges and immunities of the citizens of the several States; and thus inspire and restore confidence and a spirit of fraternal feeling between the different States of the Union.

"VII. That the Union-loving citizens of those States who have labored, and still labor with devotional courage and patriotism to withhold their States from the vortex of secession, are entitled to the gratitude and admiration of the whole American people.

"VIII. That we hail with joy the recent firm, dignified and patriotic special message of the President of the United States, and that *the entire power and resources of Ohio* are hereby pledged, whenever necessary and demanded, for the maintenance, under strict subordination to the civil authority, of the Constitution and laws of the general government *by whomsoever administered.*

"IX. That the governor be requested to forward, forthwith, copies of the foregoing resolutions to the President of the Nation, and the governors of all the States of the Union, and to each of the senators and representatives in Congress from this State, to be by them presented to each branch of the national legislature."

Well has a distinguished contemporary said that those resolutions, so patriotic in their spirit, merit for Mr. Harrison a just immortality. They passed the Senate with but one dissenting voice, and received but two opposing votes in the House. In February following, when Abraham Lincoln, President-elect, was on that memorable journey to Washington, he stopped at Columbus, and, while the guest of Governor Dennison, Mr. Harrison was presented to him as a member of the State Senate. The President-elect at once inquired if he was the Harrison who was the author of the patriotic and timely resolutions, and, upon being so assured, expressed great pleasure at meeting the author. At the special request of Mr. Harrison, the venerable Thomas Ewing, one of the most honored and trusted of Ohio's statesmen and jurists, was appointed by Governor William Dennison as one of the commissioners to represent Ohio in a conference of the States, called by invitation of the Virginia legislature, to assemble at Washington, D. C., on the 4th of February, 1861, to consider the then impending crisis. But the God of battles could not be stayed—the purity and perpetuity of our Federal Government could

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be secured only by the baptism of blood. The guns of treason belched forth their fire upon Sumter, and the Nation, horror-stricken, trembled at the issue. Naught but physical frailty prevented Mr. Harrison from enlisting in his country's service, but there was sore need of staunch citizens at home, no less than courageous soldiers at the front. Mr. Harrison was foremost in that noble number of loyal statesmen who in the legislative forum fought as persistently and patriotically to sustain the National Government as did the boys in blue on the tented field. Shortly after the adjournment of the legislature in 1861, Mr. Harrison was chosen by the electors of his district to the seat in Congress made vacant by the resignation of ex-Governor Thomas Corwin upon his appointment as Minister to Mexico. He took his seat in the National House of Representatives at that momentous extra session called by President Lincoln, and which convened July 4, 1861. Here Mr. Harrison was called to cope with the great questions that presented themselves to the legislative body of a nation tossed in the throes of armed rebellion. Mr. Harrison's participation in the deliberations of this session need not be related in detail. The acts of that Congress are a memorable part of our national history. The voice of Mr. Harrison, when uplifted, but echoed the patriotic inspiration of his purpose, and his vote on every question but emphasized the loyalty and wisdom of his action. The close of this Congress, March 3, 1863, marked the retirement of Mr. Harrison from public life. By the legislative re-apportionment of the Congressional Districts of Ohio, in 1862, Madison county, in which Mr. Harrison resided, was attached to the Franklin District, in which the Democratic majority was large, and Mr. Harrison was succeeded by Samuel S. Cox. Since that retirement from the political field Mr. Harrison's pursuits have been exclusively confined to the line of his profession. His stewardship as a statesman, so creditable to himself and so valuable to his country, ripened his experience, broadened his knowledge and enlarged his mental vision, but did not allure him from his profession, for which he was by nature so eminently fitted, and which he has, by his achievements, so splendidly adorned. As has been noticed by one of his distinguished biographers, Judge W. H. West:

"The opportunities of Mr. Harrison, while pursuing his legal studies, were most fortunate. The Bench of Springfield was adorned by the modest learning of Judge J. R. Swan, its Bar by the sterling qualities of Edward Cummings, the courtly dignity of Sampson Mason, and the brilliant genius and gifted versatility of William A. Rodgers. The lesson of precept and of example derived from these model "gentlemen of the old school" ripened into fixed and most agreeable traits of professional character. Not less fortunate was the opening of Mr. Harrison's professional career. The ancient "circuit practice" had for him a fascination which yet continues. The intricate system of land titles peculiar to the Virginia Reservation, within which his "circuit" lay, had not ceased to be a fruitful source of litigation. The magnitude of individual estates in the Scioto Valley often gave rise to controversies about their succession. His rapid rise at the Bar soon opened to him these fields of legal contention, in which he was early accustomed to encounter, and often successfully contend with ex-Justice Swayne, Mr. John W. Andrews, Mr. P.

B. Wilcox, Governor Nelson Barrere, the lamented Judges Briggs, Sloane and Dickey, Mr. Jonathan Rennick, distinguished for his great good sense, the late Hocking H. Hunter, and to occasionally meet the venerable Thomas Ewing. In these rencounters he early learned that there could be no excellence without labor; that undisciplined genius may transiently soar, but only toil can maintain the ascent it makes. To have once achieved success in these contests was worth ambition; to maintain the conflict on equal terms through a succession of years was its goal. To this he bent his powers, and has not been disappointed. Jealous a mistress as is the law, he paid her assiduous devotion, crowning her with garlands gathered from every department of her domain. Studying her precepts as a system of philosophy, he applied them as a science, not as an art. Not omitting to cultivate familiarity with adjudicated cases, it was rather to extract from each its underlying principle than to employ it unintelligently as judicial *ipse dixit*. Aided in this by strong sense, quick perception, discriminating judgment, and great power of analysis, he has united familiarity with the intricacies of procedure to a substantial mastery of judicial construction and interpretation, and the general principles governing in the adjudication of the multiform rights which spring from the ever-colliding relations of life.'

Mr. Harrison's early practice was, as before intimated, under the old regime of the "circuit-travel days," which gave a far wider and more varied field for observation and experience with men than the modern methods of judicature. On this subject we cannot do better than quote a passage by Mr. Harrison himself, concerning the "Early Ohio Bar," to which subject he so felicitously responded at the Thurman banquet, November 13, 1890:

"In the early history of Ohio each judicial circuit was composed of many counties, and each county was very large. The lawyers traveled with the president judge of the circuit from county to county, on horse, over wretched roads, a great part of the year, with their papers and books in their "saddle-bags," and some of them *not* without "flasks" and "packs." They were often compelled to lodge two-in-a-bed, thus carrying into practice Blackstone's theory that the science of the law is of a sociable disposition. A session of a judicial court in a country was an event of interest to all the inhabitants thereof. It was largely attended by mere spectators. The lawyers were thereby stimulated to do their best, much more than they were by the pittances received from their clients. The elegant court rooms of the present day, devoid of spectators, are by no means as favorable schools or theaters for advocacy and oratory as the primitive log court houses, crowded with appreciative listeners. The early lawyers were noted for their mother wit, their knowledge of human nature, and their knowledge of the underlying principles of jurisprudence and of right, and the facility and accuracy with which they applied them. There were active and influential politicians, and they sought the gratification of their ambition by service in public life. In these times, to render the State some service was regarded as honorable and praiseworthy as to have rendered service to the Nation. (Would that this view were again adopted!) The early lawyers were not dwarfed by the barren littleness of the profession when followed as mere trade. They were less anxious about fees than they were to win the applause and gain the suffrages of their fellow-citizens. They practically illustrated the notion which regards the fee of the lawyer as the offering of gratitude, not as the wages of labor, and that a lawyer is the servant of his fellow-men for the attainment of justice, in which definition is expressed both the lowliness and the dignity of his calling. There

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were no stenographers in the times of the early lawyers. Trials were of short duration. The lawyers went straight to the material points in controversy, and the fray was soon ended. A trial was *not a siege*, but a short hand-to-hand contest.

"The Early Ohio Bar cultivated a warm professional feeling, and their standard of professional integrity and honor was high. There were then no Bar associations with disciplinary jurisdiction. None were needed. Professional ethics and professional honor were very rarely violated, and, when violated, the offender was at once completely ostracized by his brethren, and his occupation was gone. The free, and open, and fraternal, and honorable character of the profession of the law has never been better illustrated than it was by the Early Ohio Bar."

In 1870 Mr. Harrison was a candidate for judge of the Supreme Court of Ohio, but with his colleagues on the ticket he was defeated at the election. In 1875 Governor Hayes, recognizing the superior fitness of Mr. Harrison for the position, appointed him a member of the Supreme Court Commission of Ohio, and the Senate promptly and unanimously confirmed the appointment, but Mr. Harrison declined. He could ill afford to sacrifice a large and lucrative practice for the inadequate emoluments of judicial office. Afterwards, upon the decease of Judge William W. Johnson, in 1887, Governor Foraker tendered a seat upon the Supreme Bench to Mr. Harrison; but he declined the honor. Hr. Harrison's life, so fraught with the results of acts accomplished, is a striking illustration of the rewards received for unceasing and untiring effort. His genius is that genius which Carlyle designates as "hard work." Though endowed with talents of the highest order, though armored in mind with all the weapons of wisdom, knowledge and experience, yet he bestows the utmost conscientious and painstaking labor in the preparation of his cases. It is his habit upon occasion, not merely to burn the midnight oil, but not infrequently his task finds him tireless at his desk till "night's candles are burned out," and "morn, waked by the circling hours, with rosy hands unbars the gates of light." His briefs are clear and exhaustless treatises, not only upon the principles, but the application of the law to the facts pertinent to the points at issue. They are models in logical and legal arrangement of the case at Bar. recited in all the potency and perfection of a masterful command of language, Nor have his herculean labors, the handmaid of his natural powers, been restricted to the immediate pursuits of his practice. Possessed of a large and fruitful mind, he has chosen for his intimate and familiar companions, the leaders of thought, speech and action in all ages. A constant reader, with a remarkably retentive memory, his mind is stored with the choicest productions of ancient and modern classics. One who has been both his associate and his antagonist in the legal forum has said of him:

"His style is logical, terse and compact, though not barren of illustration and embellishment. His singularly agreeable voice, distinct enunciation, candor of statement, and great earnestness of manner, win sympathy, secure confidence and carry conviction. In this, hardly less than in the logic of his words, lies the secret of his success. But the magic of his power is the courage of conscious right, and the boldness of thorough preparation, which distinguish him. Armed with these his attack is direct, pinioning

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wrong by exposing its deformity, and rearing about justice a fortress of truth. Mastery of self is the strength of his armor. Ever subordinating temper, his quickness of repartee and keenness of sarcasm render him invulnerable; yet so playful and pleasantly does he employ these weapons that, while their victim rarely wishes to provoke their second employment, his repartee punctures without sting, and his sarcasm cuts without wounding."

It is in the consideration of questions of constitutional law that the mental acumen and legal ability of Mr. Harrison have found their most adequate and fitting field. As a constitutional lawyer his reputation is national, and he is ranked among the foremost of American lawyers. His success in the Boesel Railroad Cases, reported in Granger's Ohio Supreme Court Reports (1872), established his eminence as a lawyer on constitutional questions, while, at the same time, it saved the people from the imposition of an oppressive system of taxation that would yield no return. Since that time Mr. Harrison has appeared either on one side or the other, before the Supreme Court, in the leading contests concerning the validity of legislative enactments. Mr. Harrison proceeds to the presentation of his case in absolute frankness and fairness, but with the facts and law marshaled like the forces of an unconquerable general, with every point of the line guarded for the attack, be it offensive or defensive. But, great as are his powers of argument and logic, his disposition is judicial rather than disputatious, and, as has often been said by his acquaintances of both Bench and Bar, it is to be regretted that the highest position in his profession, a seat in the National Supreme Court, has not demanded his services. Indeed, it is an interesting incident that he was at one time selected for that position. Mr. George Alfred Townsend, the famous newspaper correspondent, relates in a recently published letter, that when a vacancy on the Bench of the Supreme Court of the United States was caused by the decease of Mr. Justice Lamar, President Harrison, in a recent conversation in New York with some members of the Bar, stated that it was his intention to nominate Mr. Harrison to fill the vacancy, but that a question arose as to Mr. Harrison's age. Quiet inquiry developed that he had just passed his sixtieth birthday, which precedents had established as the time limit. That fact alone prevented his nomination. Though having declined, among other honors, appointments to fill vacancies of the Supreme Court of Ohio, President Harrison was satisfied that Mr. Harrison would have accepted the appointment he was about to tender him. It would have come as acknowledgment of Mr. Harrison's unquestioned qualifications for the position. The late Judge Howell E. Jackson was appointed to fill the vacancy. In many causes in the Federal and State Courts Mr. Harrison has acted either as Referee or Special Master in Chancery. Some of them are reported. In each case his decision, except in so far as his conclusions were founded upon express direction of the court of first instance, was sustained. Mr. Harrison's domestic relations have been as happy and delightful as his professional career has been honorable and brilliant. On December 21, 1847, he was married at London, Ohio, to Miss Maria Louisa Warner, a daughter of Henry Warner, one of the honored pioneers of Madison county.

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Three daughters and four sons were the result of this union. One of the daughters and two of his sons are deceased. The youngest son, Warner, who gives promise of being a worthy son of his distinguished father, is now associated with his father in the practice of the law, the firm being located at Columbus, and known as Harrison, Olds, Henderson & Harrison. The firm was formerly Harrison, Olds & Marsh. Mr. Marsh, now deceased, was a son-in-law of Mr. Harrison. D. K. Watson, formerly attorney-general of the State of Ohio, and congressman from the Franklin district, is a son-in-law of Mr. Harrison. To Mr. Harrison the principles of the law are more than a science, its practice more than art—to him the profession of the law is a mission, a sacred calling, demanding not only the highest attributes of the mind, but the consecration of character, the honesty and integrity of the most exalted and noblest manhood. At the opening of the College of Law of the Ohio State University, at Columbus, October 1, 1891, Mr. Harrison delivered the address, and his tribute to his profession on that occasion deserves place in this sketch. He said:

"Law is not merely the instrument of government. Many persons seem to so regard it. But this conception of law is an erroneous one. On the contrary, the truth is, law is the basis of public liberty, and also the safeguard of each individual citizen's public and private rights and liberties. This is at least what the law of the land is in every free country. It is pre-eminently what I have described it to be, in our own State and country. Wherefore there must necessarily be in our own, and in every free State, a body of men who have a thorough and profound knowledge, an enlightened appreciation, and an enthusiastic love of the fundamental principles which constitute the basis of public liberty, and the private and public rights and liberties of the individual citizen. These liberties and rights cannot be expounded and vindicated, and maintained in their integrity without such a body of men. From their ranks magistrates, known as judges, must be chosen to administer the constitutional, statutory and common law of the land, and thus dispense public and private justice, and maintain the rights of every citizen. It is a plain truth—perhaps an obvious common-place—that without an enlightened judiciary no one's life or liberty or property or reputation is safe. And the efficiency of the administration of the law depends as well upon the learning, ability and integrity of the Bar as upon the learning, ability, impartiality and independence of the Bench. They are correlatives. As showing that the profession of the advocate and jurist is one of the principal supports of public liberty and of individual personal rights and liberties, is the historical fact that this calling has flourished most amidst free institutions, and under the most popular governments. Not only so. This profession, in any State or country or age, is an efficient activity in promoting the public welfare, especially when its controlling members are, before entering upon their active duties, deeply instructed, not merely in the law of the land, but also in the ethics of the profession of the Bar as taught by those who are alone worthy of being its masters and guides."

Mr. Harrison's considerate courtesy and uniform urbanity to all, old or young, with whom he comes in contact, are the rare qualities of the older school of gentlemen, alas, too little exemplified in the present generation. Such an one as man, citizen and lawyer, is Mr. Harrison. Those who have enjoyed

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the boon of his friendship, aye, even the privilege of his acquaintance, will acknowledge it but due praise to say of him that he is foremost of those

> "Men who their duties know,
> But know their rights, and knowing, dare maintain."

Through the characters and lives of such in the noble purpose of their vocation, are the lines of the poet true, that

> "Sovereign law, that states collected will,
> O'er thrones and globes elate,
> Sits empress, crowning good, repressing ill."

JOSEPH R. SWAN, Columbus. The late Joseph R. Swan, who was born in Oneida county, New York, December 28, 1802, and died at Columbus, Ohio, December 18, 1884, became eminent and distinguished in his profession. He acquired his literary education in his native State and came to Columbus at the age of twenty-two, when the city was a village containing not more than eighteen hundred inhabitants. He entered the office of his uncle, Gustavus Swan, then and for many years one of the ablest lawyers in the State of Ohio, who was appointed to the Supreme Bench in 1830. He applied himself with such assiduity under the guidance of his capable preceptor as to be qualified for practice very soon. Upon admission to the Bar he commenced the practice in Franklin and adjoining counties, to which the prestige of his uncle immediately introduced him. Little time was required to demonstrate his own abilities and independence of adventitious aids, and he advanced rapidly from a respectable beginning to a position of great eminence. His first office was prosecuting attorney of Franklin county, to which he was appointed in 1830 by the judges of the Court of Common Pleas. In January, 1833, a statute was enacted making the office elective, and in October of the same year Judge Swan was elected prosecuting attorney by the voters of Franklin county. The faithfulness and ability with which he discharged the duties of public prosecutor, which was then an office of great importance, received the swift and unqualified approbation of the Bar, and their approval found expression in the action of the general assembly, electing him judge of the Common Pleas Court within a year. The circuit comprised the counties of Franklin, Madison, Clarke, Champaign, Logan, Union and Delaware, and the legislature elected Judge Swan first in 1834, and re-elected him in 1841. No judge ever presided on the Bench with more dignity; none was ever more profoundly impressed with the gravity and delicacy of judicial duties. His character and presence inspired respect on the part of members of the Bar who practiced before him, and the decorum which should ever characterize a court of justice followed without the exercise of ministerial power with which the law clothes a judge. There was that in his character as a man, no less than his high qualifications for the judicial office, which commanded unfeigned admiration and deference. His natural reserve may sometimes have been mistaken for austerity, but he

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was too large and too just a man to be wanting in courtesy to a member of the Bar. The youngest lawyer who argued a motion before him, uncertain as to his position, timid sometimes in the assertion of his rights, always felt sure of the friendship and assistance of the court. He was so well established in the principles of the law and so clear in his perceptions of justice as not to be overawed by a display of authorities. Mere dictum, even though in the form of an opinion expressed by a higher court, must be reasonable in order to have binding force as a precedent. Whilst he was not deficient in respect for the learning and the authority of the highest court, he was brave and independent enough to make a precedent in his *nisi prius* court, when the "authorities" submitted appeared to work an injustice between the parties litigant. A decision must be founded upon sound reasoning and fulfill the requirements of justice in order to command his approval. He was firm and impartial in the discharge of official duties, unmoved by popular clamor, uninfluenced by favoritism or prejudice. He was endowed with that penetration and clearness of vision which enabled him to go straight to the marrow of a subject and reject whatever was irrelevant. His vigorous, logical mind arranged and classified facts rapidly and reached a conclusion without circumlocution. His thorough understanding of a case preceded his judgment thereon. In every exercise of the judicial function he was both conscientious and scrupulous, during the period of eleven years that he occupied the Bench of the Common Pleas Court. Judge Swan resigned in 1845 and resumed the practice in partnership with John W. Andrews at Columbus, which was continued with unqualified success until 1854, when he was elected judge of the Supreme Court of the State. He was admirably qualified by natural abilities, by temperament and judicial training for the duties and responsibilities of this exalted office. The high reputation which he had created was sustained and advanced in the Supreme Court. His accession to this tribunal was about the time when the contention between the defenders and the opponents of slavery was most bitter, and public opinion was much inflamed. Judge Swan was elected in 1854 by a combination of the elements of opposition which crystallized in the formation of the Republican party. The fugitive slave law was extremely odious to his supporters. It had been held constitutional by the Supreme Court of the United States, and yet there was in Ohio, as in many of the free States, a deep-seated hostility to its enforcement. The issue was presented to the State Supreme Court in the case Ex parte Bushnell, wherein it was sought by a writ of habeas corpus to liberate a prisoner confined under a judgment of the United States District Court for the Northern District of Ohio. The State Court was relied upon by the majority of electors for judicial nullification. The excitement was intense, and the expectancy of a clash between the State and Federal authorities was painful. In such a crisis marvellous self-control was required, even in a strong man, to preserve an equable temper so as to consider argument dispassionately and reach a conclusion by the slow process of reasoning. Judge Swan, as chief justice of the court, prepared and delivered the opinion, in which he held that a State court could not interfere with the orderly action of the United States

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courts within recognized constitutional limits. He was expected to decide as a partisan, but he decided as a lawyer and a judge, with the same calmness and the same deliberation that marked his entire career. He held the law to be authoritative and its administration a matter of conscience and duty, whether he approved the terms of the law or not. For this firmness in adhering to principle, even to the alienation of political friends, he was defeated for nomination in the convention of his party, and retired forever from public life at the close of his first term. He was great enough to decline an appointment to the State Supreme Bench, and to decline another nomination for the office, both of which were subsequently tendered. Nor did he resume the general practice of his profession. In 1860 he was chosen president of the Columbus & Xenia Railroad Company, and while serving as head of the executive department, was also the chief legal adviser, both of that company and the Little Miami. In 1869 he was appointed general solicitor of the Pittsburg, Cincinnati & St. Louis Railway Company, and held the position ten years, until failing health impelled his resignation. There was an expression of the highest confidence and sincerest regret placed on record by the directors in accepting his resignation. It was declared: "The officers of the company have one and all been deeply penetrated by a sense of the legal learning, sound judgment, large experience, strict integrity and unbounded kindness and courtesy, which have ever marked his course with his associates and the discharge of his official duties." Judge Swan was a member of the constitutional convention of 1850, elected as a delegate from Franklin county. The proceedings show, what might have been expected, that he was one of the ablest, most influential members of that body. In the committees on the judicial department, public debts, and public works, he rendered efficient service, as well as in the debates. Here, as on the Bench and in private life, his convictions and sense of right controlled his action. The legislative acts of 1840 relating to the settlement of decedents' estates and to wills, as well as other important statutes, owe their origin to him. In 1836 he prepared and published "A Treatise on the Law Relating to the Powers and Duties of Justices of the Peace," which is regarded one of the most useful books ever published in the State, having passed through eleven editions. In 1843 he published "A Guide of Executors and Administrators." In 1845 and 1850 he published "Swan's Pleadings and Precedents," in two volumes. In 1860 he published "Swan's Pleadings and Precedents under the Code," which so clearly interprets its provisions and so wisely suggests rules of construction, as to avoid carrying to the Supreme Court questions arising under the code. Judge Swan was the author of four general revisions of the statutes of Ohio, and his work is pronounced admirable. His taste for general literature was marked, the range of his reading was vast, and his capacity for work was marvellous. Upon the announcement of his death the Bar Association of Franklin county adopted a memorial presented by a committee of the Bar, of which J. W. Andrews was chairman, and R. A. Harrison, Allen G. Thurman, C. N. Olds, H. B. Albery, J. H. Outhwaite, E. F. Bingham and H. C. Noble were

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members. While the biographical sketch herein presented is based upon the memorial of that committee, the essence of the report adopted is found in the first resolution: "The members of the Bar sincerely lament the death of Judge Joseph R. Swan, and express the high consideration they entertain of his integrity, his ability, his learning, his impartiality, his industry, his dignity, his love of justice, his moral courage, and his fidelity to every trust and duty, whether public or private, which marked his career as a judge and public man and his character in private life." Similar action was taken by the Bar of the Supreme Court, by the railroad companies with which he was connected, by the Starling Medical College, in which he was a lecturer, and by the corporations which he served as director. Judge Swan had five children, three sons and two daughters, all living at the date of his death in 1884. Frank Swan, the eldest, is now a retired manufacturer, living at Stamford, Connecticut. He is married and has one son, a student at Dane Law School, Cambridge, Massachusetts. Maryette Andrews Swan, the second child, married A. C. Neave, of Cincinnati, and resided at Clifton until her decease, in 1885; she left two sons, Joseph R. and Charles Neave. The third child, Ann Floyd Swan, married (in 1860) Major Robert S. Smith, an officer in cavalry service of the regular army, who, after the war was over, resumed the practice of law; who now resides in Columbus and is treasurer of the Columbus & Xenia Railroad Company. Mr. and Mrs. Smith have one daughter, who is married to Rutherford H. Platt, a nephew of President Hayes. Joseph R. Swan, Jr., the fourth child of Judge Swan, is a lawyer in practice, married and resides at Utica, New York; has three children, two daughters and one son, all living. He has become the successor of his father as the editor and reviser of "Swan's Treatise" since his father's death, and has issued several new editions of the work. The youngest child is James Andrews Swan, married to Jane Parsons, and residing at Newport, Rhode Island. They have no children. In his capacity for original, independent thought, in the strength of his personality, and in the character of his service to the State as a member of its highest court, probably no jurist who has lived in the commonwealth excels the subject of this biography. A very intimate friend of the late Judge adds:

"Judge Swan was the most reticent man I ever knew—a characteristic that came chiefly, I think, from his bashfulness and retiring disposition. His integrity of character was so firmly fixed that no personal interest could swerve him from the path he believed to be right. Therefore he passed through life leaving an impress upon his generation and upon history which time cannot efface. His name is indelibly written in the laws and statutes of our State—a name that stands for truth and justice, integrity and honor. A delightful memory of him lives in the hearts of all whose good fortune it was to meet and know him in his daily life. He was a model citizen, a model husband, a model father, and withal, he was great in the simplicity of his character."

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BELLAMY STORER, late of Cincinnati. Bellamy Storer was born at Portland, Maine, on March 26, 1796. He was prepared for Bowdoin College by Dr. Edward Payton and Ebenezer Adams, formerly a professor at Dartmouth, and displayed such aptitude for learning and such thoroughness of study as to be able to enter college in August, 1809. He did not graduate, however, but began the study of law in Boston under the direction of the celebrated Chief Justice Parker, and in 1817 he was admitted to the Bar in that city. In the same year he removed to Cincinnati and was admitted to the Bar of the State of Ohio and at once began the practice of the law. In a very short time he became known as a leader among the young men of his profession and also achieved a prominent position in the business and political life of the city. In 1824 he advocated the election of John Quincy Adams to the Presidency, editing *The Crisis*, the organ of his party. He was the candidate of the Whig party, then in the minority, for member of Congress from the first Ohio district in 1834, and after a most spirited canvass defeated the administration candidate, Robert T. Lytle, by a fair majority. In Congress his high character, directness of method and vigorous eloquence gave him a high standing and he was urged to accept the renomination, but declined it, preferring to return to the practice of his profession. He was a vigorous supporter of the Presidential candidacy of his friend, General William Henry Harrison, and in 1844 he was Presidential elector on the Whig ticket, casting his vote for Mr. Clay. In 1852 he was nominated, against his desire, for the Supreme Bench of Ohio, but was defeated, although he ran ahead of his ticket several thousand votes. In 1854 he was elected judge of the Superior Court of Cincinnati, having as his colleagues in this distinguished court, Judges O. M. Spencer and W. Y. Gholson. Storer drew the short term, but he was kept on the Bench by subsequent re-elections until 1872, when he resigned to engage once more in the practice of his profession, taking as his partner his son, Bellamy, the present minister to Belgium, who had been admitted to the Bar in 1869. This court, composed of Storer, Spencer and Gholson, has been regarded as the strongest court in the history of the Cincinnati Bench, and its reported decisions, while those of a court not of the last resort, are as much respected as those of any court in the country. Judge Storer brought to the Bench great knowledge of the law, as well as great love of its study, unremitting zeal in the performance of his judicial duties and eminent fairness of mind and temperament. Although quite companionable by nature and of a most lovable disposition, he was the personification of judicial dignity and uprightness when on the Bench. Always conscious of the elevated character of his position, he impressed the same consciousness on all who approached his court room, without being in any degree austere or severe. His uniform courtesy to all, his straightforward methods and his unquestioned learning gained for him remarkable popularity both with his profession and with the public at large. He was very popular with the younger members of the Bar, and many of the lawyers of the present day, grown old in the profession, look back with grateful remembrance upon words of encouragement given them years ago by Judge Storer.

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In 1855 he became a professor in the Cincinnati Law School, which position he held until 1874, when he became professor emeritus. Throughout his life Judge Storer was a very successful speaker at both political and religious meetings. In his early life he was active in a band of young men called "Flying Artillery," who went from town to promote religious revivals. In 1862, when the city was threatened by the Confederate invasion, he shouldered his musket and marched as a private in defense of the city which had honored him. Kenyon College and Bowdoin College, of which latter institution he was for many years trustee, each bestowed upon him the degree of Doctor of Laws. He died June 1, 1875, leaving a name, as a lawyer and man, that after a lapse of almost a quarter of a century, is a familiar synonym for learning and virtue.

GENERAL THOMAS EWING, A. M., LL. D. (1829-1896), was born August 7, 1829, in Lancaster, Ohio. He was a son of Senator Thomas Ewing, the famous lawyer and statesman. His mother, through whom he was related to James Gillespie Blaine, was Maria Wills Boyle, a granddaughter of Neal Gillespie, who emigrated from County Donegal, Ireland, and became a man of eminence in western Pennsylvania in the latter part of the last century. His mother's father, Hugh Boyle, also a native of Donegal, took active part in a political conspiracy and, in 1791, was forced to flee to America, where for forty years he was clerk of the Supreme Court of Ohio for Fairfield county. At nineteen Mr. Ewing was a private secretary to President Taylor. In 1852 he entered Brown University, where he was popular with faculty and students. Those who knew him then recall his splendid physique; his intellectual, transparent countenance; his genial temper; his strong anti-slavery feeling, and his hatred of injustice in every form. The warm admiration which the president, the illustrious Dr. Wayland, showed for him was one of the pleasant recollections of his life. From Brown University he went to Cincinnati and entered the law office of the Honorable Henry Stanbery, and the Cincinnati Law School. In 1855 he began practice in Cincinnati. Soon after he was employed by Mr. John W. Andrews, a prominent lawyer of Columbus, to assist in defending three actions at law in the United States Circuit Court, for infringement of "Parker's Patent Reaction and Percussion Water Wheel." Success in these led to his being retained to defend over fifty other cases brought on the same patent. In most of these he pleaded the Ohio statute of limitations, the patent having expired six years before the suits were commenced. The plea was sustained. Upon this point the Circuit Courts were divided for many years, but the Supreme Court in 1895 decided that State statutes apply in such cases. On January 18, 1856, Mr. Ewing was married to Miss Ellen Ewing Cox, daughter of the Rev. William Cox of Piqua, Ohio, a minister of the Presbyterian Church distinguished for zeal and eloquence. Though Mr. Ewing was reared a Catholic, he did not accept the doctrine of infallibility. By mental constitution he was unable to limit Christianity to

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any denomination, but he believed in Jesus Christ as his divine Master and Savior. Early in 1857 he removed with his family to Leavenworth, Kansas, where he formed a partnership with his brother, Hugh Boyle Ewing, for the practice of law. Later the firm included William Tecumseh Sherman, who was married to his elder sister, Ellen Boyle Ewing, and Daniel McCook. In the Civil War, three members of the firm attained the rank of brigadier general, and the fourth became the great hero of Atlanta and the march to the sea. During the famous struggle which resulted in the admission of Kansas as a free State, Mr. Ewing rendered a service to freedom of much historic interest. The administrations of Presidents Pierce and Buchanan favored the pro-slavery party, which, until the fall of 1857, controlled the Territorial government. In the summer of that year a convention was elected to frame a Constitution under which the Territory might be admitted. The free-state party, knowing that its votes would not be counted, took no part in the election of members of this convention. It met in the fall, and was presided over by John Calhoun, the United States surveyor-general. It framed the "Lecompton Constitution," and submitted to popular vote, not the entire Constitution, but only the question whether the Constitution should be adopted with or without provision for slavery. Even if slavery were rejected, the slaves then in Kansas would remain slaves. A separate election was ordered, to be held after that on the Constitution, for choosing officers under it. The convention appointed the judges of both elections, and directed Calhoun to canvass all returns. The free-state party declined to participate in the first election, and the Constitution was adopted with slavery. The pro-slavery party hoped that the free-soilers would also ignore the election of officers, in which event the Democratic Congress and President would admit Kansas as a slave state completely officered by pro-slavery men. In this condition of affairs a free-state convention met to determine the party policy. The radical free-state leaders in the convention were determined on the adoption of what was called the "non-voting" policy, because they opposed any recognition of the Lecompton Constitution and therefore opposed participation in the election of officers under it. And the followers of old John Brown opposed all peaceful measures and sought to provoke war with the National authority in the Territory, hoping that, once started, it would result in the destruction of slavery in the United States. The conservative men in the convention, including Mr. Ewing, encouraged by the fact that the free-state party had recently gained control of the Territorial legislature, advised the "voting-policy." They knew their party largely outnumbered the pro-slavery party, and hoped that, with the aid of the legislature, they could enforce a fair election, and choose free-soilers to all the State offices. Then if the State should be admitted under the Lecompton Constitution, the State government, which could act without Congressional supervision, could call a new convention to adopt a Constitution prohibiting slavery. After a protracted debate, the "voting policy" was about to be adopted by the convention, when suddenly E. B. Whitman, one of the radical opponents of that

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policy, strode into the convention hall, booted and spurred and covered with mud, and in a violent speech asserted that battle was joined between free-soilers and Federal troops at Sugar Mound, eighty miles away, whence he had come to call the people to arms. The excitement which followed was furious. Mr. Ewing vehemently denounced Whitman's statement as false; but despite his efforts the trick, for trick it was, succeeded. The convention declared for the "non-voting" policy. This declaration created the final crisis in the struggle for freedom in Kansas. The situation was desperate. The date was December 24th. The election was set for January 4th. The settled portion of the Territory was larger than the State of Ohio, and without a railroad. Mr. Ewing's temperament qualified him to meet the situation. He was effective in emergencies. Now, when most of his party associates were disheartened, he bolted the convention, though only fifteen or twenty out of the hundred and twenty-nine delegates followed. The bolters nominated a full ticket, canvassed the territory, sending newspapers and ballots by couriers to every settlement, and, in spite of bitter opposition from radical leaders and press, brought most of the free-state party to the polls. Mr. Ewing contributed to this canvass all the money he had and could borrow, amounting to over one thousand dollars. The pro-slavery leaders, finding themselves outvoted, resorted to enormous frauds in the count, and Calhoun officially proclaimed the election of the pro-slavery candidates. Thereupon Mr. Ewing procured the appointment of a commission by the Territorial legislature to investigate the election returns. The investigation, which he mainly conducted, resulted in the discovery of the original returns, buried in a candle-box under a wood-pile, on the premises of the surveyor-general at Lecompton. They were full of plain forgeries. The Democratic party in Congress, and the Buchanan administration abandoned the attempt to admit the Territory under the Lecompton Constitution, which fell covered with execration and infamy. This closed successfully the long struggle against slavery in Kansas. Early in 1858 Mr. Ewing's father, who, with full knowledge of the sentiment in Washington, had been his constant and wise adviser, wrote to him:

"I am much pleased with the course you have taken, and borne through, in what is justly considered the crisis of the day, involving the fate of Kansas and the present peace of the Union. It was fortunate for you that the occasion offered, and having made the most of it you have done more to give yourself a desirable reputation than, under other circumstances, you might have been able to do in a well spent life."

When, in January, 1861, Kansas was admitted under a free Constitution, Mr. Ewing, then but thirty-one years of age, was elected Chief Justice of the Supreme Court. He served less than two years, but established a high reputation as a jurist. With him "the law stood for justice and the judge for righteousness." In September, 1862, he resigned the chief-justiceship to enter the Union army, and recruited the Eleventh Regiment Kansas Volunteer Infantry, of which he was elected colonel. For gallant conduct at Prairie Grove, one of the fiercest battles of the war, he was commissioned a brigadier general on March 13, 1863, by special order of President Lincoln. He was assigned to

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the "District of the Border," comprising the State of Kansas and the western portion of Missouri — a "hornets' nest of a district," as he called it. This command, for which his acquaintance and influence especially fitted him, he held from June, 1863, to February, 1864. While in command of this district, on August 25, 1863, he issued an order known as "Order No. 11," directing the depopulation of large portions of four border counties of western Missouri. By the order the loyal inhabitants were required to remove to the military posts, the disloyal to remove out of the counties. It was a severe measure, but the only way of surmounting the difficulties to be overcome. These counties, after having suffered much from Kansas Redlegs under Jennison and other predatory leaders, whom General Ewing suppressed with a strong hand, had become the base of operations of about a thousand Missouri guerrillas, under Quantrill, who incessantly raided southern Kansas. Speaking of the issuance of the order, General Ewing, at a reception tendered him in Kansas City in 1890, said:

"I remember when I came here, that on my trip to Independence, along a road by which I had once seen beautiful farm houses so thickly located as to make it almost seem a great long street, I saw, with but one exception, only the monuments which Jennison left, blackened chimneys. But one house between Kansas City and Independence was inhabited. About that time I went to Nevada, which I had remembered as a pretty town. Arriving there, I did not find a human being in the place—it was entirely deserted—not even a cat, dog or domestic animal of any kind could be seen, save some cows that had taken up their abode in the court house, which had been left in ruins, the records being trampled beneath the hoofs of the cows.

"Every expedition I sent out to overtake the guerrillas failed to achieve the object sought. We could not overtake them. On every side of us were living, people who not only befriended and sympathized with the guerrillas, but furnished them with advantageous information as to the movements of the army or any detachment. After they had committed many depredations and then penetrated to Lawrence, where they murdered nearly 200 people in cold blood and burned the city, I knew some decisive measure had to be adopted. The Kansas people were aroused, and it seems providential interference that stayed them from going into Missouri and at least murdering those people they knew kept the guerrillas posted. I believe as to General Schofield and I know as to myself, that Order No. 11 was issued out of a spirit of mercy to the people whose homes were in the border counties. It was a deliberate order and my judgment has never faltered an instant. But I confess I have suffered a great deal from the weak and partisan construction put upon it. When it was issued and before it went into effect, Montgomery Blair made an appeal to President Lincoln to have it revoked. In turn President Lincoln called upon General Schofield for an explanation—and the order went into effect. It was to me the only means of restoring peace. Those people were told that they must move and they did so without any show of military interference, and I am sure were no more inconvenienced than any of you would be to-day who had to change your place of abode. All you people, who were with me, know the truth of these statements. I remember that my own father remonstrated with me about that order and I know his heart was right, but he didn't know. I have been pelted by the Democratic party on this account; and the charge that I was cruel to my fellow beings

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while in a position to command is galling. Yet if I had it all to do over again I would do it in the same way."

After General Ewing had thus removed the spies and purveyors from "the hills of the robbers," Quantrill, unable to continue the vendetta, led the guerrillas south. Under General Ewing's firm administration re-settlement of the country soon began, and the Border War, which had raged for eight years, was ended forever. General Ewing conducted one campaign where he displayed military ability sufficient, had the operations been larger, to give him rank as a great commander. In September, 1864, the distinguished Confederate lieutenant general, Sterling Price, a brigadier general in the Mexican War, once governor of Missouri, and a man of great political influence in the State, crossed the Arkansas river with 20,000 men, and marched on St. Louis. By capturing that city he hoped to bring Missouri into the Confederacy, thus securing a great base of supplies, and possibly so discrediting the administration as to prevent the re-election of President Lincoln in November. General Rosecrans was in command of the Department of the Missouri, and General Ewing of the District of Southeast Missouri. The Federal troops were scattered in small detachments at important towns, and could not be concentrated in numbers sufficient to defeat General Price's large army. The only chance of averting the immense loss of prestige and resources which the surrender of St. Louis would involve was to check General Price until the city could be reinforced with troops brought from other States, by holding fast to Fort Davidson, a small work with capacity of about a thousand men, situated in a low valley ninety miles south of St. Louis at the village of Pilot Knob, so called from a near-by hill. In this fort were large quantities of ordnance, and commissary's and quartermaster's supplies, which General Price sorely needed. General Rosecrans, at the urgent request of General Ewing, sent him to Fort Davidson. He reached there on the morning of Monday, September 26, instructed to hold the fort against any detachment, but to evacuate should General Price's main army move against it. He found the main army approaching; but the advantage of delaying the enemy if only for two or three days was so great, that, as he says in his report, he "resolved to stand fast and take the chances." He held Shut-in Gap, four miles below the fort, throughout the 26th, and then fell back to a gap about one thousand yards from the fort, between Shepherd's Mountain and Pilot Knob. Early Tuesday morning his troops were ejected from this gap, the enemy following and moving down the hillside in strong force. The guns at the fort drove them back with heavy loss. The gap was retaken, again lost, and again the artillery drove the enemy from the hillsides. But in the afternoon they swarmed into the valley in such numbers that General Ewing had to draw in his entire command. The enemy made one splendid assault upon the fort, and were repulsed with terrible slaughter. General Price, thinking he had the little garrison, as General Ewing afterward said, "like a nut in a cracker," mounted guns on the surrounding hills preparatory to shelling the fort next day. About midnight General Ewing evacuated. He slipped

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through the enemy's lines along a road opened, as has since transpired, by the strategy of a Union woman of the neighborhood, who having by an invitation to a barbecue tolled off the Confederate Colonel Dobbins and his hungry command, sent word that the Potosi road was unguarded. The fort was blown up soon after the troops withdrew. Then began a life or death retreat toward a fortified camp at Rolla, 100 miles away. The command was pursued by overwhelming cavalry forces, and embarrassed by refugees, men, women and children, who were in almost constant panic; but before it was overtaken it reached a ridge with precipitous sides, where the pursuers could not head it off, along which it retreated. Its rear was protected by veterans of the 14th Iowa Infantry. In thirty-six hours it reached Leesburg, sixty-five miles from Pilot Knob, where it had to leave the ridge, and was soon completely surrounded. By hard fighting a fortified position was reached. The command was so exhausted that further retreat was impossible. The enemy made several assaults on Friday, and appearing in large force on Saturday they reconnoitered General Ewing's position. Apparently concluding that to carry it by assault would be too costly, they drew off, and on October 2nd the band of heroes marched into Rolla. General Ewing's total loss did not exceed 350 men, while the enemy's loss exceeded 1,500 men at Fort Davidson alone. General Price was delayed a week, during which St. Louis was reinforced. The attack was abandoned and the invading army was driven from Missouri without capturing an important town. General Ewing was made a brevet major general for meritorious conduct at Pilot Knob. He resigned on February 23, 1865, at the close of the war in the West. In the spring of 1865 he removed to the city of Washington, where he enjoyed for six years a large and lucrative practice. He was at different times in partnership with his father, Senator O. H. Browning, and his brother, General Charles Ewing. He was the general attorney for the Central Pacific Railroad Company. He defended Arnold, Spangler and Dr. Mudd when on trial with Mrs. Surratt and four others before a military commission charged with conspiracy to assassinate President Lincoln. In the words of a writer of authority, he "became the leading spirit of the defense * * * and wrought the miracle of plucking from the deadly clutches of the judge-advocates the lives of every one of the men he defended." During this period he opposed the reconstruction policy of the Republican party. His objections were that it would proscribe the whites of the South and make the negroes the rulers; that their government would have to be propped by bayonets and must fall when the support was withdrawn: that it would prove a vast burden on the North and destructive to the South, and was wholly unconstitutional. He addressed the soldiers' convention which met at Cleveland, Ohio, in September, 1866. Of this address James G. Blaine says, in his Twenty Years of Congress: "The only noteworthy speech in the convention was delivered by General Thomas Ewing. * * * * He and Mr. Browning were law partners at the time of Mr. Johnson's accession, and both now resolved to oppose the Republican party. General Ewing's loss was regretted by a large number of

friends. He had inherited talent and capacity of a high order, was rapidly rising in his profession, and seemed destined to an inviting political career in the party to which he had belonged from its first organization. In supporting the policy of President Johnson he made a large sacrifice, — large enough certainly to free his action from the slightest suspicion of any other motive than conviction of duty." President Johnson offered Mr. Ewing the positions of secretary of war and attorney-general; but he declined both offers. In 1870 he removed to Lancaster, with ample means acquired in his profession, and embarked in the work of developing the Hocking valley. He was largely instrumental in the construction of the Ohio Central Railway. But the panic of 1873 robbed him of all pecuniary return from his efforts, and cast upon him a vast indebtedness, which he could easily have avoided, but which he struggled to pay during the remaining quarter century of his life. He was a member of the Constitutional Convention of Ohio in 1873-4, where his legal attainments and admirable powers of debate gave him a leading place. But the proposed Constitution failed of adoption by the people. In the financial discussions following the war to the resumption of specie payments in 1879, General Ewing was pronounced in his opposition to the various statutes devised to enhance the value of the currency and effect the payment of the government bonds in gold. He opposed the law of 1869 which declared that bonds, the principal of which was originally made payable in greenbacks, should be paid in coin. In 1871 he attacked the refunding operations of the government, and the policy of currency contraction, from which he anticipated commercial disaster, an anticipation fulfilled in the panic of 1873. In January, 1875, the Act was passed by Congress providing for the resumption of specie payments. He aroused the Democratic party against the resumption policy, and for the next four years was the most conspicuous figure in the Greenback movement. In 1875 William Allen was elected governor of Ohio, upon a platform written by General Ewing, which squarely opposed resumption. In 1876 Allen G. Thurman sought the Democratic nomination for the Presidency. Though less pronounced in opposition to resumption than was Governor Allen, Senator Thurman was General Ewing's preference for the nomination, but upon condition that the declaration of financial policy adopted in 1875 should not be modified. When the State Convention met in Cincinnati, the followers of Senator Thurman, led by the Honorable Frank Hurd, controlled its organization, and introduced resolutions which in effect declared for the abandonment of opposition to the resumption policy. Minority resolutions re-affirming the platform of 1875 were reported by Governor William D. Morgan. At a moment when defeat seemed certain General Ewing mounted the stand. "I rise," said he, "not to speak for a man, but for the cause." By a powerful and impassioned speech he carried the Morgan resolutions. He himself presented the name of William Allen, at St. Louis, as the nominee of the Ohio Democracy. General Ewing represented the Lancaster district in Congress from 1877 to 1881, where he advocated the remonetization of silver, and became the leader in the successful fight to amend the resumption

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scheme so as to provide that the greenbacks should be reissued instead of being destroyed when once presented for redemption. But for this amendment the currency, already reduced in volume, would have been greatly contracted, to the immeasurable distress of the industrial classes. And resumption would have been impossible, as Secretary Sherman admitted in his interview with the committee on finance, March 19, 1878, where the question was put to him by Senator Allison: "In other words, you think we cannot come to and maintain specie payments without the power to reissue?" To which Secretary Sherman answered: "I do not think we can." On the money question General Ewing was unwarrantably charged with advocating inflation. His position was, in fact, the conservative position. He sought to preserve the greenbacks, and to avert the fall in prices which forced resumption produced. He proposed to retire the national bank currency, and fix by constitutional amendment the volume of the greenback currency and its enlargement in proportion to the annual percentage of increase in the population. In Congress he was also largely instrumental in stopping the employment of Federal troops and supervisors at elections conducted under State laws. Respecting the tariff he was a moderate protectionist. During his last year in Congress a bill was reported unanimously from the committee on the postal service which proposed very large reduction in the appropriation for the service in the far West. Any one familiar with the conduct of business in Congress knows how all but certainly the unanimous report of a committee controls. General Ewing knew that the people affected would suffer by the proposed changes, and after a vigorous debate he carried an amendment continuing the usual appropriations. In closing his speech he referred to the famous pony-express, established by Ben Holliday before the war, between St. Joseph, Missouri, and San Francisco, and in one of his happiest expressions likened it to a "spider's thread swung across the desert." In 1879 General Ewing was the Democratic candidate for governor of Ohio, but was defeated after a brilliant campaign which attracted the attention of the Nation, it being recognized that success would place him in the front rank of Presidential possibilities. Intensely democratic, he aimed to serve the whole people and had the courage of his convictions; and the Democracy of Ohio honored him with a devotion such as has been enjoyed by few men. In 1881 he retired from Congress and from politics. Removing to Yonkers, New York, in 1882, he practiced law in New York City. He was for many years in partnership with the Honorable Milton I. Southard, formerly of Ohio, who had represented the Zanesville District in Congress. In 1893 he organized the firm of Ewing, Whitman & Ewing, in order to join with him his sons, Thomas and Hampton Denman Ewing. In 1895 he was attorney to the department of buildings of New York City. He delivered addresses on numerous public occasions, which he prepared with great care. In an address before the Law School of the University of the City of New York, he favored the abolition of the requirement of unanimity of the jury in civil cases, and the codification of the "private law." In closing, he said:

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"Gentlemen, always recollect that you are American lawyers, and owe allegiance to the people. Be loyal to your sovereign in word and deed. The experiment of self-government has been concluded and is a world acknowledged success. * * * * Exert your influence in perfecting the law, and in administering it expeditiously, economically and justly. Seek to make a lawsuit a terror to evil-doers only. Guard the liberty of the people and that equality which is the soul of free government. Punish abuse, oppression and corruption wherever and however they appear in the profession or in the courts. So that the people may forget the grievances of which poets and novelists have bitterly and mournfully written; and Oily Gammon, and Sampson Brass, and Jarndyce and Jarndyce, and poor little Miss Flite, may be remembered only as myths showing the griefs of the olden time; and so that American jurisprudence may illustrate Sir Matthew Hale's lofty and eloquent tribute to law: 'All things on earth do her reverence, the least as feeling her protection, the greatest as not exempt from her power. Her voice is the harmony of the world; her seat is the bosom of God.'"

General Ewing was a founder of the Ohio Society of New York in 1886, and its president until 1889. He loved the people of Ohio and hoped to return to live in Lancaster, at or near which city lived, with their families, his brothers, General Hugh Boyle and Judge Philemon Beecher Ewing, his sister, Mrs. C. F. Steele, his eldest son, William Cox Ewing, and elder daughter, Mrs. Edwin S. Martin. General Ewing was struck down by a cable car in New York on January 20, 1896. He was taken to his apartment where he was living with his wife and younger daughter Beall. He died on the morning of January 21, without recovering consciousness. He was buried at Yonkers on the Friday following. His wife and all his children survive him. In his every-day life he was pure and unselfish. Though full of high ambition, he was hopeful and cheerful under adversity and disappointment. In manner he was dignified and simple; in conversation ready and interesting, full of humor and amiability. Always generous and approachable, he had hosts of friends. No one appealed to him in vain. "His hand gave help, his heart compassion." He was an affectionate son and brother, a loving father, a devoted husband. In noting his death the Cincinnati *Enquirer* said:

"Though General Thomas Ewing removed to New York about fifteen years ago, he resided still in the warm affections of the people of Ohio. His death will be mourned in every community in which he ever lived. Thomas Ewing was an ideal gentleman. Handsome in person, easy and gracious in manner, and lofty in his ideals, he made a deep impression on everybody he met. He was a gallant and effective soldier, an able lawyer, a sincere statesman, and a politician who set a high moral example in the practice of politics. He was worthy to be the son of the eminent Thomas Ewing of old, whose name is inseparably woven in the history of Ohio and the administration of national affairs."

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JOSHUA REED GIDDINGS, Jefferson. Few figures in Ohio history attained greater prominence than Joshua R. Giddings. He was born at Athens, Pennsylvania, in 1795, and died at Montreal, in the Dominion of Canada, May 27, 1864. Much of the intervening period his life was turbulent and always active. His ancestors settled in New England about the middle of the seventeenth century. As an infant he was taken by his parents to Canandaigua, New York, and thence, at the age of ten, to Wayne township, Ashtabula county, Ohio. In 1805 the settlers of Jefferson county were few and the forests almost unbroken. The Giddings family were made of the stuff out of which the best pioneers are fashioned. Joshua was athletic in his physical proportions, well fitted to be a hard fighter or a good runner. He was not only qualified for work in the clearing and on the farm, but his intellectual faculties made him ambitious to achieve something in the realm of mind. He was industrious in reading and study, appropriating to himself with avidity the contents of all books available. He was keen to take advantage of every opportunity for advancement. In the War of 1812 he became a volunteer soldier, and was in the engagement fought at Sandusky. At the age of nineteen he was a good scholar. It is a commentary on his desire to be informed that all of his acquirements in the way of literature and mental culture were obtained at night, without interference with the hard physical labor which he was required to perform. He taught school for a time and entered upon the study of law in 1819, with Elisha Whittlesey. He absorbed readily and assimilated what he read. He was, therefore, soon qualified for practice. In 1829, after practicing ten years, he formed a partnership with Benjamin F. Wade, under the style of Giddings & Wade, which continued several years. In 1826 he was elected to the legislature and declined re-election. He also declined to permit his name to be used as a candidate for United States senator, because of the intense anti-Masonic feeling in the legislature aroused by the disappearance of Morgan. Mr. Giddings was a Mason. Ten years later he was elected to Congress as a Whig, and was kept in Congress continuously for twenty-one years. His first election was for the residue of the term of Elisha Whittlesey, who died in office. In 1848 he became a Freesoiler and developed into one of the great abolition leaders. His whole being revolted against the slave traffic, and the auction block in the District of Columbia in sight of the Capitol he regarded as a national humiliation and disgrace. He became the advocate of the slaves who mutinied on board the Creole, landed her at Nassau and secured their freedom. For his opposition in Congress to the demand against Great Britain for compensation, the House of Representatives voted to censure him without a hearing. He resigned at once, appealed to the people of his district for vindication, and was re-elected by a large majority. This support at home gave him increased strength in Congress. He was never wanting in courage. Standing six feet two inches in height and weighing two hundred and twenty-five pounds, he was a veritable Titan in physical strength and was under all circumstances fearless. His moral courage was equal to his physical strength. His feeling was so strong on the subject of human slavery that he regarded it

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his duty to protect and defend the slaves struggling for freedom, to the utmost extent of his ability. His efforts in behalf of one hundred of these fugitives who were caught and imprisoned at Washington almost subjected him to mob violence. In the emergency, when the danger seemed greatest, he was calm, stern and even defiant. Retiring from public service on the 4th of March, 1859, he returned to his quiet home at Jefferson, in the Western Reserve, and resumed the practice of law, which, indeed, had never been abandoned. In 1861 President Lincoln appointed him consul-general of the British North American provinces, and he died in Montreal at his post of duty. Mr. Giddings was one of the greatest orators the State of Ohio has produced, but it required a great question or an important occasion to rouse him. When thoroughly interested and aroused he was able to stir the multitude by his wonderful oratory. His imagination was marvellous and his words came almost by inspiration. His convictions were deep and overpowering. He spoke with intense earnestness. Opposition was necessary to bring out his best qualities, and on such occasions his manner was impassioned and inflamed. He was the master of a good style of English, but in ordinary speech, on a question having no vital interest, he was rather a stammerer and his address was halting. He had none of the graces of the cultivated orator, but on every question involving a great principle or exciting human sympathy he had the soul of oratory. He served in Congress during a period when the South was represented by her greatest leaders, many of whom were familiar with the "code duello," and extremely sensitive to any opposition to their domestic institution. Several anecdotes are related of Mr. Giddings, illustrating his physical courage and his utter indifference to the "code." He was so ready in sarcasm and denunciatory speech that he soon became an object of dislike to the "fire-eaters." And yet none courted a personal encounter with him. He was not accustomed to carry resentment or cultivate malice, and yet the men with whom he had engaged in acrimonious discussion on the floor of the House preferred not to meet him outside until a reasonable time had elapsed. He once had rather a fierce contention with a Mr. Black, and soon afterwards, when walking on Pennsylvania Avenue, he discovered Mr. Black approaching him in the opposite direction. The latter discovered Mr. Giddings about the same time, and not caring to meet him face to face, turned suddenly from the street and passed down a convenient alley, while Mr. Giddings walked leisurely along, swinging his ponderous cane and not saying a word. On one occasion he was challenged by Preston Brooks, of South Carolina, to fight a duel, and the challenge was not noticed. The South Carolinian regarded this as an indignity, and declared that nothing but a personal encounter would satisfy him. Finally the patience of Mr. Giddings was exhausted, and he announced on the floor of the House that he was ready for the battle to proceed, and authorized Mr. Brooks to name the time, place and weapons. The enraged Mr. Brooks retorted: "Now is my time, and my weapon a pistol." "Oh, very well," rejoined Mr. Giddings, "all I want to settle this affair is a York shilling raw

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John F. Follett

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hide." This humiliated his antagonist so that he kept quiet afterwards. Perhaps the ruling passion in the life of Joshua Giddings was his intense love of liberty and hatred of oppression. The wrongs of the weak always excited his sympathy and he was ever ready to engage in their defense. He was a good lawyer, but his conspicuous public life shadowed the luster of his law practice. He was an author, and the first volume which he brought out was in the line of his sympathies. It was entitled "Exiles of Florida," and purported to be a history of runaway slaves. It was, in fact, an interesting portrayal of their sufferings and triumphs. Later he wrote a "History of the Rebellion," giving especial attention to its authors and causes. The style of this was vigorous and entertaining. He was married in 1819 to Miss Laura Waters, of Granby, Connecticut, and three sons were born of the marriage. The eldest, Comfort P., a farmer, living in Jefferson; the second, Joseph Addison Giddings, was highly educated, studied and practiced law with his father, and read widely in literature. He served a term as probate judge and for some time was editor of the *Ashtabula Sentinel*. His wife was Mary A. Curtis, of Ashtabula, and his family consists of four children. He acquired a considerable fortune, and after spending many years in his profession and literary pursuits retired to his extensive farm to engage in stock raising. This pursuit is entirely congenial to his tastes as a cultivated gentleman. The youngest son, G. R. Giddings, was a brave soldier in the Union army during the Rebellion and attained the rank of colonel. He gave his life as a sacrifice to his country at Macon, Georgia.

JOHN FASSETT FOLLETT, Cincinnati. Honorable John F. Follett is descended from Puritan ancestry of unquestioned patriotism and sterling character. His great-grandfather, Eliphalet Follett, was a captain in the Revolutionary War and one of the victims of the Wyoming Massacre, when his grandfather, eldest of the children, was a lad of thirteen. The family returned to Vermont with one old horse, on which the youngest child was carried by its mother. His grandmother was the daughter of John Fassett, one of the justices of the first Supreme Court of Vermont. He is the son of a New England farmer, the youngest but one of a family of nine children, and was born in Franklin county, Vermont. Of the nine children six were boys, all of whom have become exceedingly strong and able men. Three have honored the law—Charles, Martin D., and John F.; Charles having been elected for two terms judge of the Common Pleas Court and for two terms judge of the Circuit Court, and Martin D. having been elected judge of the Supreme Court of Ohio in October, 1883. One, Alfred, has chosen the field of medicine; while the other two, George and Austin W., have been unusually successful in mercantile pursuits in New York City. In 1837, when the subject of this sketch was less than five years of age, his father removed to Ohio and settled in Licking county. His early education was received in the log school-houses, and such academies as the county of Licking then afforded.

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Ambitious for a higher and broader culture than was afforded by these primitive institutions, he determined to procure for himself a classical education, and entered Marietta College in 1851, and graduated with the highest honors of his class in 1855. After leaving college he taught school for two years, the first in the Asylum of the Blind at Columbus; and the second as the principal of the Columbus high school. The income derived from teaching enabled him to liquidate the debt which he had contracted in obtaining a collegiate education. In July, 1858, he was admitted to the Bar at Newark, Ohio, and at once entered into a partnership with his brother, the Honorable Charles Follett, which continued until the fall of 1868, when he removed to Cincinnati, where he has since resided. In 1865 he was elected as a representative to the Fifty-seventh General Assembly from Licking county, and was re-elected in 1867. Upon the organization of the Fifty-eighth General Assembly in January, 1868, he was nominated by acclamation by the Democrats in caucus, and afterward was elected speaker of the House of Representatives, the duties of which office he discharged with signal ability. Before the opening of the adjourned session in the fall of 1868, he had removed to Cincinnati to engage in the practice of law, and consequently resigned the speakership, as well as his office as representative. Destined to be a leader, he has risen rapidly in his profession, and upon going to Cincinnati, took rank immediately with the foremost men of that unusually able Bar, among whom it is doubtful if he has a superior as an advocate. His practice has been very large and lucrative, and he has been identified as counsel in much of the most important litigation in both State and Federal courts in southwestern Ohio. Thoroughly devoted to his profession, he steadfastly declined to be led away from the law by the allurements of public office until his fame as a lawyer was firmly established. In 1880 he was nominated by acclamation by the Democratic State Convention as one of the electors at large for Ohio, on the Hancock and English Presidential ticket. In 1881, although he was very prominently mentioned for governor, no canvass was made in his interest, and, preferring to let the nomination seek him rather than to seek it, he was not the selection of the convention. In 1882 he was made the temporary chairman of the Democratic State Convention. In the fall of 1882 he was nominated by acclamation by the Hamilton county Democratic Convention to represent the First District of Ohio in Congress. His opponent was the Honorable Benjamin Butterworth, a candidate for a third term, and probably the best campaigner in the State of Ohio, and whom, after a most gallant and hotly contested canvass, he defeated by a majority of 819. In politics he has been a life-long Democrat, one of the old school, whom shadows and reverses have not changed. Gifted and eloquent as a speaker, he has few, if any, equals on the stump in Ohio. For years he has cheerfully devoted weeks to every campaign, and his services are in constant demand at the executive committee rooms of his party. There is scarcely a county in the State where his voice has not been heard, and where he does not number his friends by the score. Of wonderfully popular manners, and of brilliant parts,

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he will command such attention in the nation's councils as to endear him to every true Democrat in Ohio. At the commencement of 1879 his Alma Mater, in recognition of his scholarly attainments and public services, conferred upon him the honorary degree of Doctor of Laws. Mr. Follett combines in unusual measure the qualities of the advocate and the office lawyer. Few equal him in the careful study of a case, sparing no pains to become master of everything that can bear upon it and to collate all the precedents and authorities, whether for or against him. Fond of referring to the elementary principles on which the law is based, he yet omits nothing which can be of use in supporting his contention or in refuting that of his opponent. His analysis is logical and thorough, bringing into strong light the essentials of a controversy and ridding it of everything that is factitious. In the court room, master of every part of his case, his earnest and eloquent advocacy fixes the attention of court and jury, and enforces by cogent and fervent delivery the argument he has so well prepared in his study. His client finds in him a friend and adviser willing to labor most industriously to further the interests he has espoused, and one who makes it a rule in small cases as well as great to do thoroughly whatever he undertakes. His brother lawyers find in him a thoroughly honest and honorable opponent, or a most genial and considerate associate.

EDMUND W. KITTREDGE, Cincinnati. The subject of this biography was born in Rockingham county, New Hampshire, November 29, 1833. He is the son of Dr. Rufus Kittredge and Sally Underhill Kittredge. Dr. Kittredge, after practicing medicine in Chester for a number of years, removed, in 1849, to Cincinnati, where he continued in the practice for some years, ultimately removing to Peekskill, New York, where he died in 1880. He was a native of Chester, and was of the sixth generation in this country, all his ancestors in America having been, like himself, physicians. The family probably first settled at Tewksbury, Massachusetts, and the first known records of the Kittredge family are found there. Mr. Kittredge graduated at Dartmouth College in 1854, and came to Cincinnati in the same year. He studied law in Cincinnati with the celebrated Judge Timothy Walker, and afterwards attended Harvard Law School, and was admitted to the Bar at Cincinnati in the fall of 1856. He was first associated with Judge M. W. Oliver in the practice of the law, and ultimately with Judge J. B. Stallo, subsequently minister to Italy, the firm name at that time being Stallo & Kittredge. At other times he has been associated with Murray C. Shoemaker, Joseph Wilby, R. F. Simmons, his firm at present being styled Kittredge & Wilby. He married, in 1866, Virginia Gholson, daughter of William Y. Gholson, of Cincinnati, and has had seven children. His wife died in 1899. From almost the beginning of his career as a lawyer, Mr. Kittredge became marked among his associates at the Bar for his thoroughness of preparation and the earnestness with which he conducted

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litigation intrusted to him, and as a result he soon came into control of a large practice which has ever increased in magnitude and importance, until to-day, both by reason of his unusual attainments as a lawyer and the magnitude of his practice, he stands among the very first members of the Bar in the State. He has a commanding presence and a powerful, penetrating voice, which, added to his great knowledge of the law and his skillful method of examination of witnesses, make him pre-eminently successful as a trial lawyer. Among the most important cases in which he has taken part are the trial of the disbarment of Thomas C. Campbell, in which he, with Mr. William M. Ramsey, took a leading part on behalf of the relators; Walker vs. the City of Cincinnati, and the subsequent cases in reference to the construction of the Cincinnati Northern Railroad, and the case of Mannix vs. Archbishop Purcell. For a number of years Mr. Kittredge acted as president of the Cincinnati Bar Association. In politics Mr. Kittredge was originally a Republican, but in 1872 he joined the ranks of the Liberal party, and from that time has identified himself very prominently with the Democratic party. He has never sought nor held office, but has always been a leader in the councils of his party, as well as in all matters concerning the welfare of the community in which he lived. Speaking of him, Mr. John W. Warrington, his warm friend and associate in a very large amount of litigation, says:

"Perhaps the two leading characteristics of Mr. Kittredge's mind are intensity and critical analysis. These qualities inevitably lead to strong convictions in favor of any cause which has once been espoused, and to systematic presentation of its merits. They insure tenacity and uniformity of interest in the various questions arising. Another characteristic of his mind is versatility in the illustration of a given subject by the use of analogous rules laid down in relation to kindred and even remote subjects. When an intense man is analytical he is always persuasive. When he is also resourceful in apposite simile he is powerful. Mr. Kittredge possesses unusual endurance and application. Starting with a careful early mental training, he has ever since augmented his knowledge, and has especially devoted himself to a scientific study of the law. Indeed, his originality and attainments give him wide range and always render him instructive. His honesty and character are superlative. His bearing is dispassionate and courteous. As an advocate, he is remarkably equipped both in attributes and culture; and as a man he is an exemplar."

Ex-Governor Jacob D. Cox, the dean of the Cincinnati Law School, adds the following estimate of Mr. Kittredge:

"Mr. Kittredge's growth at this Bar has been extremely steady and positive. His characteristics as a young lawyer were great thoroughness of preparation, mixed with a judicial quality of mind, which gave all his efforts great weight with the Bench from the very beginning of his career. He was entirely unpretentious in his manner, avoiding flights of oratory and winning his way by a strong logical method, appealing to the intellect rather than to the feelings. As he grew older and more experienced, his method and manner ripened into one of a dignified and active persuasiveness, impressing one with both the candor and weight of his argument. These qualifications naturally gave him prominence in mercantile and corporation cases; also his practical common sense and muscular grasp of mind gave him a marked weight. For many years now he has been in the front rank of business practitioners in our

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courts. He is a man of entire independence of character in every direction, having no taste for partisanship in politics. He has been known as a reformer, earnestly supporting the civil service reform, and the separation of municipal questions from general politics."

RUFUS KING, Cincinnati. Rufus King was born at Chillicothe, Ohio, May 30, 1817, and died at Cincinnati, March 25, 1891. Some of his ancestors were men of large abilities and much distinction. His grandfather, Rufus King, had a prominent part in the American Revolution, and acquitted himself honorably in a service of three years as a member of the Continental Congress. After the adoption of the Constitution he served for eighteen years as United States senator for the State of New York. The mother of our subject was a daughter of Thomas Worthington, a very early settler of Ohio, a member of the first Constitutional convention and the first United States senator chosen by and for the State. He was also elected governor of the State in 1814, and served two terms. He was a man of much force and influence in the State; a man of character, enterprise and public spirit, whose earnest efforts in behalf of improvement and progress were of immense value. Edward King, the father of Rufus, was a lawyer of eminence and marked ability, who engaged in the practice of his profession for many years at Chillicothe and Cincinnati. It may reasonably be assumed, therefore, that Rufus King, the subject of this sketch, was richly endowed by nature for a successful career in the law. He was also qualified by education and training to undertake the active duties of his profession, and the responsibilities which always belong to a life of useful prominence. His early education and preparation for college were received at home under the care and tutelage of his mother, a woman of superior literary talents and noted likewise for her active benevolence. From the excellent school at home he went to Gambier, where he remained four years, and thence to Harvard University. After completing the classical course he entered the Harvard Law School, in which he was permitted to receive instructions at first hands from the great masters, Story and Greenleaf. He was admitted to the Bar at Cincinnati in 1841, and very soon rose to a position of prominence. He had marked taste and adaptability for the law, and carried into the practice the habit of study without which no permanent success can be achieved. Engaging in the general practice, as was the custom of the times, he won fame both as counsellor and advocate. He chose to devote his time and energies to the practice of law, and declined to enter politics by the acceptance of political office. Even so exalted and honorable a position as judge of the Supreme Court of Ohio was declined by him when tendered, in 1864, by Governor Brough. He was preeminently a lawyer, and is remembered with a degree of veneration by the Bar of to-day in Cincinnati. He served as dean of the Cincinnati Law School and president of the faculty; was one of the active founders of the public

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library association. He was always the patron of popular education, and his service on the board of education of Cincinnati, continuing from 1851 to 1866, marked an era in the public school system of the city. He was president of the board for eleven years, and during that period the evolution of the schools into one of the finest systems of the country was secured very largely through his instrumentality. Mr. King was elected a member of the convention chosen in 1873 to revise the Constitution of the State, and succeeded Morrison R. Waite as president of the convention, when the latter was appointed Chief Justice of the United States Supreme Court. As a member of the school board he was active and influential in the controversy undertaken to exclude the Bible from the public schools, maintaining with much force and logical argument that moral and religious instruction, non-sectarian in character, had a rightful place in the public schools. Rufus King was a lawyer of superior ability, liberal learning, patient industry and discriminating judgment He had clear views of equity, aud never permitted the narrow interpretation of a statute to obscure or override the substantial justice administered in a court of chancery. His mind was wonderfully clear and his penetration deep; but he did not rely for success upon acumen or other natural gifts. He studied each case and presented it in court only after the exhaustive research which gave him the mastery of its principles and details. This habit, more than any other influence, made his reputation as a successful practitioner. And Rufus King was a great lawyer. He was married in 1843 to Margaret Rives, daughter of Landon C. Rives, of Cincinnati.

WARNER M. BATEMAN, Cincinnati. Warner M. Bateman was born August 5, 1827. at Springboro, in Warren county, Ohio, of Welsh and Quaker stock, his father's grandfather emigrating from Wales to Pennsylvania some time prior to the Revolutionary War. When he was eighteen years old he began preparation for the study of law, under the direction of Thomas Corwin, taking up an extended course of historical and political reading which he continued for three years, at the end of which time he began the study of law proper, moving in 1849 to Lebanon for the purpose of prosecuting his study to greater advantage. In 1850 he was admitted to the Bar in Licking county, Ohio, and in November of that year he removed to Cincinnati, taking up there the regular practice of his profession. Although he had little experience and few acquaintances, he soon became quite prominent at the Bar, and by reason of his activity in the organization of the Republican party and his excellent standing at the Bar, he was nominated in 1856 as a candidate of that party for judge of the Court of Common Pleas. Although defeated at this time, in 1865 he was elected a member of the State Senate, where he took a prominent and active part in all the deliberations of the body. He was particularly zealous in his endeavors to prevent the increase of corporate privileges, advocating in particular a more rigorous legislative control of the railways of the State. He was chairman of the committee appointed to investigate the abuses

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Warren H. Bateman

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of railroad management and to suggest suitable legislation to correct those abuses. This committee, during the fall of 1866, made a very extensive examination of the subject, taking a very large amount of testimony, and finally submitted an elaborate report prepared by Mr. Bateman, and two bills which in view of the committee would correct the abuses complained of. One of these, the bill creating the office of railroad commissioner, became a law, and the other, arranging for a comprehensive scheme regulating railroads, although not passed at that time, by reason of the disagreement of the two Houses, has since, in its main features, been incorporated into the laws of this and many other States. In 1868, as a result of his services in the State Senate, he was the choice of his party as a candidate for Congress, but refused to accept the nomination, preferring to continue the practice of his profession. In April, 1869, President Grant appointed Mr. Bateman to be attorney of the United States for the southern district of Ohio. During the three previous years the powerful "Whisky Ring" had gained a foothold in the district and had defrauded the government of taxes to a very large amount. Mr. Bateman at once took the necessary steps to break up this ring and to recover the amount due the government, and in litigation that followed he met the most desperate resistance conducted by the ablest counsel at the Bar, but in the end he succeeded in recovering a very large amount of taxes and penalty and in punishing many of the chief offenders and breaking up the ring. The judgments recovered in 1870 alone amounted to the sum of $495,000, and in that year he tried 147 civil cases, in all of which he was successful, except eleven, and sixty criminal cases, losing but eight. In the first six months of his term he tried fifty-seven criminal cases, of which but two were lost, and fourteen forfeiture cases, in all of which he was successful, collecting and paying into the treasury over $158,000. As a result of his efficiency and the thorough enforcement of the law, the southern district of Ohio has since that time been practically free from any frauds of this kind. By the Act passed March 3, 1873, the government appropriated three-fourths of a million dollars for the purchase of a site for the post office and custom house in Cincinnati. As the property desired belonged to a number of people who held it at prices that did not seem to the government to be reasonable, a purchase at private sale was found to be impossible, and resort was had to the government's power of condemnation. There having been no previous case of this character to guide Mr. Bateman as a precedent, and the jurisdiction of the Federal courts in such a proceeding being denied by many, Mr. Bateman determined to test the question by regular proceedings for condemnation in the United States Circuit Court. In this case he met with the opposition of able counsel, and the entire question of the right of the government to condemn was discussed at length, and at last decided in favor of the government, which decision was afterward affirmed by the Supreme Court of the United States, and stands as the first and leading case upon the subject. Mr. Bateman was also successful in securing a valuation of the property appropriated, at an amount less by $70,000 than the appropriation made by Congress, an

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uated in 1837 and assigned to the Fourth United States Artillery, with rank of second lieutenant. (The boyhood of General Bates was spent in the public Latin School of Boston, in which the course of instruction is almost equivalent to a college education, and he was graduated in 1832.) Shortly after leaving West Point, Lieutenant Bates was ordered south and served five years in the army, more than half of which was spent in active service in Florida during the Seminole Wars, and in suppressing other Indian outbreaks. He was then sent with his regiment to the northern frontier to quell the patriot disturbances with Canada, remaining there two years. During his term of service he had been promoted to the rank of first lieutenant, for brave and meritorious conduct, and was in command at Fort Niagara when he resigned in September, 1842. The young officer, though having strong inducements to continue his military career, when he might well have hoped to attain high rank in the army and honorable mention in his country's history, determined to adopt the practice of law for his life work. He began during his service to improve his spare time in the study of law, and after resigning, attended the Law School of Cambridge, Massachusetts, where he pursued the course of study and enjoyed the benefit of lectures. The war department paid him an unusual compliment in withholding acceptance of his resignation until after his admission to the Bar, thus granting him the benefit of rank and pay while prosecuting his studies. Family relationships and ties drew the young law student to Cincinnati for a permanent residence and he entered the office of Judge Bellamy Storer, under whose instruction he continued his studies. He was admitted to the Bar in 1842 and associated himself with Honorable William Key Bond, an old attorney and ex-member of Congress, with whom he remained two years. He then formed a partnership with Mr. W. S. Scarborough, which was continued until the war broke out. The business of the firm grew to large proportions and became profitable. When the Rebellion opened the government naturally looked to the young men who had been educated in the military academy for the commanders of regiments and leaders of armies. The experience and honorable record of Lieutenant Bates commended him. He was summoned to Columbus to confer with Governor Dennison, and was at once commissioned brigadier general and placed in command of the camp bearing the governor's name, to organize the volunteers into regiments, and to transmute the raw material into soldiers by drill and discipline. By October General Bates had dispatched fifteen regiments to the field. During the war he spent much time in active support of the Union cause, and was frequently called to Washington for consultation with the highest civil and military authorities of the government. Occasionally, when in a reminiscent mood, he entertains his friends with accounts of these visits and of his impressions of the great Lincoln, obtained from personal interviews. General Bates had command of the troops sent against Kirby Smith's raid into Ohio, and rendered the Union cause most valuable service wherever and whenever opportunity presented itself. He was elected in 1864 to the State Senate to serve the one year remaining of a term unexpired. After peace was declared

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JOSEPH COX.

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he again assumed the practice of the law in partnership with his eldest son Clement Bates, and devoted his time to the profession successfully until 1875, when he was again elected to the State Senate by the Republicans. He served his constituency in a most able and satisfactory manner. After the expiration of his term in the Senate he devoted himself to his profession, and in 1883 formed a partnership with Rufus B. Smith, now judge of the Superior Court, and afterwards associated himself with H. P. Kaufman under the style of Bates & Kaufman, which partnership still exists. The law practice of General Bates has been varied and extensive and he has always commanded the highest regard of his associates. In 1872 he was chosen a member of the electoral college which elected General Grant President of the United States a second term. Although originally a Democrat, General Bates left that party on war issues and has since been a staunch Republican. He has been elected as candidate of the Republican party three times to important offices. He has been a citizen of Cincinnati for over fifty years, and with only a few interruptions has been occupied continuously with the duties of his law practice. Although prominent in his party and always taking a deep interest in all things affecting the public welfare, he has never been willing to accept any municipal office or any official position connected with his profession. He has for many years lived at Woodburn, a suburb of Cincinnati, and was for several years mayor of that place. In 1844, on May 8th, General Bates was married to Elizabeth Dwight Hoadly, daughter of George and Mary A. Hoadly, of Cleveland, and a sister of Honorable George Hoadly, afterwards governor of Ohio and now a resident of New York. General and Mrs. Bates are the parents of five children, all boys. Clement, the eldest, is practicing law in Cincinnati, has been a judge of the Common Pleas Court and is the author of several important law books, on insurance, partnerships, etc.; the second son, Charles, Jr., is a civil engineer in New York City; the third, William S., is a patent lawyer in Chicago; the fourth, Merrick L., after spending some time in Europe pursuing literary studies, is living in New York City; the fifth son, James H. S., is an electrician, also living in New York City.

JOSEPH COX, Cincinnati. Joseph Cox, presiding judge of the Circuit Court, Cincinnati, is the son of Dr. Hiram and Margaret Edwards Cox, from both of whom he inherited a strong constitution, great energy and love of labor. He has literally worked his way up. His grandfather on his father's side was one of the early settlers in western Virginia, and on his mother's side, in western Pennsylvania; both were in the war of the Revolution, and also the Indian war, prior to 1800, and the latter was killed near Wheeling in a conflict with the Indians, about 1795. His grandmother, after this event, with her five children made her way over the mountains to Franklin county, Pennsylvania. His paternal grandfather died from the effects of wounds received in felling a tree, leaving a family of three sons and four daughters to provide for them-

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selves. Hiram Cox, the father of our subject, was then but twelve years of age, and was apprenticed to a saddler, but he was fond of study, and so applied himself, in his spare moments, that at the age of sixteen he became a school-teacher. While so engaged, he was also a scholar, taking lessons privately in the higher branches, so that at the age of twenty-one he was an excellent Latin, Greek, German and scientific scholar. At twenty-one he opened an academy at Chambersburg, Pennsylvania, which obtained a very high reputation, and was conducted by him for ten years. In the meantime he was married. Joseph was the second of eight children, and was born in Chambersburg, Pennsylvania, August 4, 1822. He evinced great quickness and aptitude for learning at an early age, and before his seventh year, by attending his father's school, had acquired the art of reading, writing and arithmetic far beyond his years. His father, determined on the practice of medicine, which he had been studying for some years, was now attracted by the great fame of the Miami valley, and in February, 1830, the family prepared to move to what was then looked upon by many as beyond the pale of civilization. The manner of that journey we take from some family note given on that subject:

"Our beds, carpets, straw bread baskets, copper kettles and smoothing irons, and other articles of furniture, besides our clothing, were stored in boxes in a Conestoga wagon, to which were attached six large horses, with arches over their collars and bells ringing right merrily. Mother sat in front with four children, on the boxes, while father trudged sturdily along with the driver. When within a day and a half of Pittsburgh it became so cold that we had to take the stage and go forward more rapidly, for fear of being frozen. This was a fortunate step for us, as the snow became so deep on the mountains that it was a whole week before the wagon reached Pittsburgh. This greatly annoyed us, as we were anxious for passage on a beautiful steamboat that was about to start on her first trip. But this, too, subsequently proved to be a providential hindrance, as we had only proceeded as far as Wheeling on the old 'Seventy-six,' when we discovered the wreck of the boat we had been so anxious to travel on. She had taken fire and burned to the water's edge. After this we were not only satisfied with our old boat, but thankful for the deliverance we had experienced. On reaching Cincinnati we found that the canal was frozen up so that we could not continue our journey to Dayton until February 25, 1830."

Dr. Cox practiced his profession in Dayton for two years, and then removed to Cincinnati and was graduated at the Ohio Medical College in 1831. After remaining in the city one year he removed to Clermont county, where he resided four years, and then returned to Hamilton county and continued the practice of medicine until his death, in 1867, at the age of seventy. He was a great student, prominent and successful in his profession, of large, philanthropic heart, an unblemished Christian character, and universally respected. While in Clermont county, the subject of this sketch attended the public schools and also the academy of Rev. Ludwell G. Gaines, a Presbyterian minister, near Goshen. This academy was kept in an old log cabin on his farm, and was known through the country as "Quail Trap College." Mr.

Gaines was a thorough teacher. As a linguist he had few superiors, and he exacted from every scholar punctuality, diligence and thoroughness in every lesson. His old scholars will recall the tall, huge form, with the immense head, walking up and down the school-room with arms folded behind his back, listening intently, and detecting in a moment the slightest error in reading, parsing or scanning. No man was ever more faithful in the discharge of his duty, or took greater interest in the welfare of his pupils. After remaining in this school nearly three years, Mr. Cox became an assistant in the academy of Mr. Thompson at Springdale, taking charge of the Latin and scientific department. Here he taught until his wages amounted to enough to pay for his first session's tuition at Miami University, Oxford, Ohio, where he remained nearly three years. For want of funds he was compelled to leave before graduating, but the university afterwards conferred on him the honorary degree of A. M. The first year after leaving Oxford he studied medicine under his father, did miscellaneous work about their home in the country, and assisted in settling up his father's accounts, and for this purpose rode a good portion of the time on horseback through the country. In April, 1840, he commenced the study of law with Thomas J. Strait, Esq., of Cincinnati, then one of the most extensive and successful practitioners of the city. For the first eighteen months he resided at Springdale, twelve miles in the country, and walked twice a month, on Saturday, to the city to recite. He then entered the law office of Cary & Caldwell, and about a year afterwards was admitted to the Bar, and commenced practice, forming a partnership with Henry Snow, Esq., then also a beginner. This partnership lasted for about five years, with the usual experience of young lawyers—small fees, close living, little money, and much hope. But the time was not passed in idleness. His scanty means were eked out by assisting in keeping books for some small store-keepers unable to employ a regular book-keeper. In company with several other lawyers, moot courts and debating societies were organized, where mind encountered mind in the apparent mimic, but to them real fray, giving to them strength, elasticity and self-reliance. A regular course of legal reading by topics, with miscellaneous reading by way of diversion and variety, and frequent articles for newspapers, an active participant in the political struggle, annually going around the country making speeches in the interest of the old Whig party, sometimes as many as thirty or forty in a campaign, left little time for idle repining at fortune. Twice he was nominated by that party for the office of prosecuting attorney, not, however, with any hope of success, for the county was Democratic by from five to eight thousand majority. In 1854, however, he was elected to that office by a large majority, and now his careful training and forensic experience came into active play. During his term of office his business was of an extraordinary character. It seemed as if all the evil elements had been brought face to face with justice. During the two years of his term he tried over thirty cases of murder, including the celebrated Arrison case for the murder of Allison and wife, by blowing up with an infernal machine the medical

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college on Central Avenue and Longworth Street. This was perhaps the most interesting and closely fought case ever tried in Hamilton county. As a case depending altogether on circumstantial evidence, to be followed up link by link through a long series of acts, it has never been paralleled. It was tried three times; once before Mr. Cox was prosecuting attorney, and twice during his term. The first time it resulted in a verdict of murder in the first degree, which was set aside for error; in the second the jury disagreed; in the third he was found guilty of manslaughter, and sentenced to the penitentiary for ten years. Arrison served out this imprisonment and died a few years later. The case was defended by Judges Johnson, Key and Dickson, with great ability, each trial lasting about twenty-five days. The arguments of each counsel drew crowded court rooms, and the young prosecutor rose with the occasion, and in a masterly, logical and fervid speech of three hours, won the encomiums of old lawyers and judges, and surprised his warmest friends. During his term he also succeeded in breaking up a large gang of counterfeiters, who made their head-quarters on the Big Sandy, and sallied forth at intervals to flood the city with counterfeit notes. Some ten or twelve of the most prominent were convicted and sent to the penitentiary. It was also during his term that charges of extravagance and corruption were made against the public officials and contractors in the erection of the new court house and lunatic asylum, and he assisted in having the contract annulled or modified, thus saving, as was believed, hundreds of thousands of dollars to the county. He also prosecuted one of the county commissioners for corruption in office, and finally succeeded in having him convicted, fined and dismissed. There never was, perhaps, in the history of the county, so many important cases in one term as occurred during that of Mr. Cox. These cases, too, were defended by the ablest members of the Bar, and thus he was compelled on every occasion to be prepared to meet all that talent, industry, ingenuity and learning could bring to bear against him. That he sustained his position with great ability and to the entire satisfaction of the public, we believe was the verdict of men of all parties. At the end of his term he declined to be a candidate for re-election, resumed practice, and for a number of years was favored with an extensive general business. In the organization of the Republican party he took great interest, believing that its principles alone would bring universal liberty, prosperity and happiness to the Nation. He entered ardently into all the campaigns, and spoke fearlessly and eloquently in its behalf. During the Rebellion he espoused, naturally for him, the Union side, and by pen, tongue and means, aided all in his power to sustain the Union, encourage enlistments, support the families of soldiers, and aid the sick and wounded. In 1866 he was elected judge of the Court of Common Pleas of the First Judicial District, and after serving in that capacity with general satisfaction for five years, was re-elected twice for a like term, and served for fifteen years. On the organization of the Circuit Court (which is a Court of Appeals) he was elected one of the three members; and after serving two years, the allotment of his first term, he was elected twice for terms of six years each, and is now serving his third term, which began February 9,

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H. P. Lloyd

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1893. As a practicing lawyer at the Bar, Judge Cox was remarkable for promptness, thoroughness of preparation, quickness of perception, excellent business ability and knowledge of general things, and an intense earnestness of purpose which carried him and his hearer always with him. He has a large knowledge of ordinary topics and things, and business affairs of life, and knows well how to command this knowledge. On the Bench, Judge Cox is prompt, decisive, sees the point of a case and grasps it in all its bearings on a mere suggestion. The general principle and authority to sustain a given case seem to come to his aid almost intuitively, and the last word of counsel in the most difficult one has hardly ceased, when the judge is ready to unravel its intricacies and announce his decision with a clearness which brings conviction, and is rarely reversed. So in his charges to a jury there are a distinctness and clearness which always convey to the understanding the legal bearings of the case, and there has never been an instance, since he has been on the Bench, in which the jury returned for further instructions. He is an intense worker, always up with his docket, and never seeming to be fatigued. Aside from his profession, Judge Cox has been one of the most faithful laborers in every good work. He often lectures with great acceptance, and always to full audiences, before philanthropical, religious and moral associations, and before literary societies and colleges. Among his addresses which have attracted attention and favorable notice are those in relation to the archæology of the Mississippi Valley, one on Gettysburg, and another on the life of General Harrison, delivered for the purpose of urging the legislature of Ohio to erect a monument to his memory, and another delivered in Springfield, Ohio, at the unveiling of the statue erected to the memory of the Union soldiers of Clark county who fell in the Rebellion; address at the dedication of Eden Park, Cincinnati, on the 4th of July, 1870; centennial address at Marietta, April 7, 1888; at Hamilton, Ohio, September 15, 1891, and also various addresses before the State Bar Association. Judge Cox possesses great versatility of talent, is a fluent, earnest, eloquent speaker, writes with great rapidity and correctness, and has furnished many valuable articles for the press. He perhaps is known to, and knows, more persons in the city of Cincinnati and county than any other man in it. He rarely forgets one whom he has seen or a name he has heard. In 1848 Judge Cox was married in New Orleans to Miss Mary A. Curtis, daughter of the late Benjamin R. Curtis, of Richmond, Virginia. Nine children have been born of this marriage, of whom six are living.

HARLAN PAGE LLOYD, Cincinnati. Major Harlan P. Lloyd was born at Angelica, New York, and is descended from an illustrious Welsh family, whose estate was at Dolobran, in Wales. The head of this family was a lineal descendant of King Edward the First. One branch of the Lloyds went to England, and took a prominent part in the war for constitutional liberty under Oliver Cromwell. Their descendants emigrated to New England, and

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settled in Rhode Island. Several of them were soldiers in the war of the Revolution. Mr. Lloyd's father was Honorable Ransom Lloyd, of Angelica, New York, who was for many years judge of the Court of Common Pleas in Allegany county. He was the personal and political friend of W. L. Marcy, Horatio Seymour, and other prominent statesmen of New York. Judge Lloyd married Miss Julia M. Starr, of Danbury, Connecticut, a descendant of one of the Puritan forefathers, who joined the Plymouth Colony in 1634. Her grandfather and great-grandfather were officers in the war of the Revolution, and the former was killed in battle when the British forces assaulted his native city. Judge Lloyd's grandfather was killed in the battle of Bennington, Vermont. From both parents young Lloyd inherited patriotic ardor and military instincts. He enjoys the singular distinction in genealogy, that from 1634, when his remote ancestor served in the wars against the Pequod Indians in Massachusetts, until his own service in the war of the Rebellion, every generation furnished a military officer in the service of the Colonies and of the United States. He had a thorough academic training, and entered the Sophomore class in Hamilton College in 1856. He graduated in 1859, one of the youngest students of his class, winning the second honor in general scholarship and the highest prize in rhetoric and oratory. Three years later he received the degree of Master of Arts. For a year he was classical instructor in a collegiate institute at Bloomfield, New Jersey, and at the same time pursued the study of the law. Later he placed himself under the immediate tuition of Honorable Martin Grover, judge of the New York Court of Appeals, and was thus peacefully engaged when the firing upon Sumter called the nation to arms. He heard the appeal and closed his books. Duty was plain, and straightway he assisted in raising and equipping the first company of soldiers which left his native village; and after the memorable disaster of Bull Run, gave his entire time for several months to the work of recruiting volunteers. Untiring in his efforts in this behalf, he visited nearly every school district in his native county, and addressed numerous meetings in churches and school-houses. In the national emergency he freely gave heart, voice, strength and example to encourage and animate his fellowmen to the rescue of their imperiled country. A full company of the Sixth New York Cavalry, of which he was first lieutenant, enlisted under him, and marched to Camp Scott, on Staten Island. There his regiment was consolidated with another, but he was involuntarily mustered out of service. He thereupon repaired to Albany, and was there admitted to the Bar in December, 1861, afterward taking a thorough course at the Law School of the University of Albany. Early in June, 1862, he again enlisted, this time in a battery. Promotion followed rapidly. After faithful service at Newbern and Roanoke Island, under General Burnside, he was commissioned captain of the Twenty-second New York Cavalry, and ordered to the Army of the Potomac. His soldierly conduct and qualities frequently attracted the notice of his superior officers, and at the close of the war General Custer tendered him a position in his own regiment in the regular

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army, but he declined the honor. He took part in the battles of the Wilderness, at Spottsylvania Court House, Cold Harbor, the siege of Petersburg, at Jerusalem Plank Road, and in all the battles of the Wilson raid. Then he marched to the defense of Washington against Early, and thence to the Shenandoah valley, taking part in every battle of that brilliant campaign. While leading a charge at the head of his regiment, near Winchester, August 21, 1864, he was shot directly through the body, and was considered mortally wounded. He was sent to the hospital, and thence to his home in New York, as soon as he could be removed. He partially recovered, and with an open wound took the stump for Abraham Lincoln, in the fall of 1864, and made campaign speeches till the very day of election. Then he rejoined his regiment in the field, was commissioned as major, and served on a general court-martial during the winter of 1864 and 1865. In the spring of 1865 he marched up the valley of the Shenandoah with General Sheridan and General Custer, and his regiment led the attack at Waynesboro, in the battle which resulted in the capture of the entire army of General Jubal Early, one of the most brilliant of General Sheridan's famous series of victories in the valley. The column pushed on to Charlottesville and Gordonsville, destroying the Virginia Central Railroad and General Lee's source of supplies, until it reached a point only eight miles from Richmond, on the west. Then, wheeling suddenly to the left, General Sheridan crossed the York river to White House Landing, and joined General Grant's army in front of Petersburg. During this rapid march Major Lloyd served as aid-de-camp on the staff of General Wells, of Vermont, and won the highest commendation for his soldierly qualities. He took part with the army of the Potomac in the daily and nightly battles which resulted in the surrender of General Lee at Appomattox. He was next appointed commissary of musters by the secretary of war, and was assigned to duty on the staff of Major General Torbert, commanding the Army of the Shenandoah. He mustered out and sent home all the men of this army, and was himself honorably discharged at Rochester, New York, in August, 1865. Thus closed his brilliant military career. Major Lloyd now cast about for a field in which to practice his chosen profession. He was not long in determining to go to Cincinnati, and as an entire stranger, without any means, he opened a law office and began the struggle with many competitors. Business came slowly at first, but diligent study and faithful, energetic attention to the interests of his clients gradually enlarged his practice and made for him the prominent place at the Cincinnati Bar which he now holds. Of the many important causes in which Major Lloyd has been engaged, there is none more interesting than one of his early practice. Some emancipated slaves sought to recover an estate which they claimed by inheritance from a runaway slave from Kentucky, who had accumulated property in Cincinnati. Major Lloyd was retained to prosecute their claim. Suit was instituted in 1869. The defenses of the occupying claimants were three-fold: That the plaintiffs were illegitimate, as a slave marriage had no legal validity; that the plaintiffs were chattels, and had no legal status at the time the descent

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was cast; and finally, that if any property descended, it vested in the master and not in the slave. Major Lloyd took the broad ground that the validity of the slave marriage should be recognized in the interests of justice and morality, as it certainly had been under the law in many of the slave States. His argument was an exhaustive review of the history of the institution of marriage among the slaves in this country, and of the legal authorities which recognize its validity. The Superior Court, in general term, unanimously sustained Major Lloyd's position, and gave judgment accordingly. The case was the first of its kind in the country, and attracted much attention, especially among the colored people. They looked upon the result as one of the chief steps in attaining for the race complete equality before the law. Major Lloyd gave the bankrupt law and the decisions under it the closest study, and was engaged in several cases which afterward became leading cases in its construction. One worthy of mention was argued at Mansfield, in this State. The case turned on the question of the power of the State court to set aside a discharge in bankruptcy granted by a Federal court, under the law of 1867. This was the first case on this subject in Ohio, and the question was then undecided. Major Lloyd took the negative, argued the case three times at Mansfield, and finally won it. The law in Ohio and other States has since been settled, affirming the theory of Major Lloyd in that case. Another important case, considered from a legal standpoint, was a copyright case in the United States Supreme Court. The case had been decided adversely to Major Lloyd's client by Judge Emmons, of the United States Circuit Court, and by Judge Swing, of the United States District Court, before he was retained. Major Lloyd argued the question at length, and both in his brief and in his oral argument before the Supreme Court, presented an elaborate review of American and English decisions. The court unanimously sustained his position in an opinion which makes this a leading case. It has already been quoted a number of times by English courts. It is reported in Volume 101, United States Reports. He has constantly been retained in leading cases in the Ohio courts, in the Supreme Court of the United States, and in the courts of many different States. In 1884 he was employed to contest a will of a wealthy decedent at St. Louis, Missouri, and won a great victory for his Cincinnati clients. He was retained in more than thirty cases growing out of the failure of the famous Fidelity Bank in 1887. Some of these cases involved hundreds of thousands of dollars, and one case involved nearly three millions. He was also selected to represent the McMicken heirs in the contest for the removal of the University of Cincinnati. His argument in the Supreme Court of Ohio was very able, and was never answered, and no opinion was rendered in that court. Major Lloyd has been associated in practice with C. S. Bates, who afterwards became a clergyman in Cleveland; with Governor Edward F. Noyes, afterwards United States minister to France; with Honorable Alphonso Taft, attorney-general of the United States and United States minister to Vienna and St. Petersburg, and with Honorable W. H. Taft, now United States Circuit Judge. Major Lloyd's scholarly habits,

his close application to business, and business-like methods, his strict integrity, his quickness of perception and clearness of thought, accompanied as they are with great facility of speech and perspicuity of expression, have given him a very high rank in his profession and the fullest confidence of his clients. Major Lloyd's powers of speech, already alluded to, his creative imagination and literary education make him a successful lecturer and public speaker. He delivered the baccalaureate address before the University of Cincinnati in 1882. Frequent calls have been made on him for lectures on historical subjects, the delivery of which gave the greatest satisfaction to his audiences. As a Republican he has gone on the stump and lifted his voice with no uncertain sound in favor of his political principles. He has never held a political office, nor been a candidate for one. A large number of lawyers throughout the district recommended him for appointment as judge of the United States District Court, after Judge Swing's death. After some consideration he declined to be a candidate, preferring to remain in the practice. The weight of Major Lloyd's influence has always been on the side of Christianity, and therefore he has always been actively interested in the Sabbath-schools in Cincinnati, in the Young Men's Bible Society, and in the Young Men's Christian Association, of which at one time he was president. He was also president of the State Convention of the Young Men's Christian Association at Toledo, in 1874. He is deeply interested in the Grand Army of the Republic, and has devoted much of his time to the interests of that order. In 1884 he was elected commander of the Department of Ohio, and served with great ability. The membership rapidly increased under his leadership, and the usefulness of the organization was greatly enlarged. He is a prominent member of the military order of the Loyal Legion, and has frequently delivered addresses before its members. Major Lloyd is also a member of various clubs, literary, social and political, and was elected president of the Cincinnati Literary Club in 1892. In 1877 he went to Europe, spending several months in travel and study, visiting England, Scotland, Belgium, France, Germany and Switzerland. He went again in 1883, spending much time in Bavaria and Austria, and later has made two other European trips. A few years after he commenced practice in Cincinnati he was unanimously elected as professor of rhetoric and belles-lettres in Hamilton College, to succeed that eminent scholar Dr. A. J. Upson. Still later he was asked by many friends to take the presidency of the University of Cincinnati. Both these positions were declined. He has also been invited to deliver courses of lectures on constitutional and municipal law at several of the colleges. He was appointed by the governor as trustee of the Ohio Soldiers' and Sailors' Orphans Home, and served in that capacity for a long time. While there he did much to reorganize the graded school system and to increase the efficiency of this branch of the institution. In June, 1869, Major Lloyd was married at Poughkeepsie, New York, to Miss Harriet G. Raymond, daughter of President John H. Raymond, of Vassar College. Two children were born of this union, Raymond and Marguerite. Mrs. Lloyd died in April, 1890. In July, 1893, Major Lloyd was married to Miss Anna O. von Kienbusch, of New York.

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WILLIAM MARTIN DICKSON, Cincinnati. William M. Dickson, lawyer and jurist, was born in Scott County, Indiana, September 19, 1827, of Scotch-Irish Presbyterian stock. His grandfather presided over one parish near Dumfries, Scotland, for over fifty years. He was united on his mother's side with the oldest families of Virginia, descendants of the North of Ireland, among them the Campbells, Ochiltrees and Lowrys. He was a lineal descendant of Sir Charles Richardson, the African explorer. His father, a second son, having visited the English Colonies in an official position, drifted to America, met and married Rachel Lowry, near Madison, Indiana, and settled in Scott county. Two boys were the issue of this union. In 1837 his father died, leaving a widow and John J., aged thirteen years, and William M., aged eleven, who moved to Hanover, Indiana, where there was at that time a good school. The death of the father and the panic at that time had reduced the family to want. The elder brother volunteered to learn a trade, so that his brother William, the weaker and younger, could attend school. William first attended college at Hanover, which college being moved to Madison compelled him to leave home. For the first two years he walked to Madison each Monday morning, carrying on his back the food for the week. By working during vacation, and tutoring, he managed to get enough money to attend college at Miami University, Oxford, Ohio. Here, by also tutoring and teaching in the summer time, he managed to make enough money to graduate from Old Miami in 1846. While teaching school in vacation in Kentucky he studied law and was admitted to practice at Lexington. In 1848 he attended law school at Harvard University. While there, Chief Justice Parker, of New Hampshire, at that time one of the instructors at Harvard, was his preceptor. Justice Parker selected him from a large number of students as an unusually bright, honest young man, and made him one of his own household, treated him as one of his own children. Afterward, without money, without a friend, alone, with only a letter of introduction from Justice Parker to the late Nathaniel Wright, Dickson came to Cincinnati. Judge Dickson presented this letter to Mrs. Wright, who immediately invited him, on account of his past friendship to Judge D. Thew Wright, at Cambridge, to come and live at her house. By tutoring in Judge Wright's family, teaching elsewhere, and by reporting as a space reporter on the old *Cincinnati Times*, he made a living. While teaching in Kentucky he had met Anna Maria Parker, and had fallen in love with her, but poverty and the struggle for life had prevented him from asking her to marry him. About this time Dr. Parker, with this daughter, Annie Maria, visited Cincinnati to hear Jenny Lind. Mr. Dickson had bought five tickets on speculation, had sold two for enough to pay for the five, and invited Dr. Parker with his daughter to join him. Annie was a great-granddaughter of General Benjamin Logan, of pioneer memory; granddaughter of Colonel John Allen, who fell in command of the Kentuckians at River Raisin in 1812; was the own cousin of Mary Todd, the wife of Abraham Lincoln, and cousin of Governor Porter, of Pennsylvania, Justice Marshall, of Pennsylvania, Governor Crittenden, of

Missouri, Governor Murray, of Utah, and Logan Murray, of New York. In 1852 Judge Dickson was married to Annie Maria Parker, and they immediately came to Cincinnati, both almost strangers at this time. He ran on the Independent ticket for prosecuting attorney of the police court. To the surprise of all, he was elected. He was the first prosecuting attorney of the court, which during its infancy had many struggles to maintain its jurisdiction. It was Dickson who made this court the success it is to-day. During his term of office occurred the famous Bedini riots, and the cry of "Down with the Dutch!" Snelbaker was mayor. Dickson, with Frederick Hassaurek and Judge Stallo as advisers, brought about harmony, and by his uniform, just conduct toward the unfortunate Germans endeared himself to them. After leaving the police court he rapidly rose to the foremost rank among our lawyers. His arguments under the Fugitive Slave Law and in the celebrated Blind Tom case are well known. In 1859 he was appointed by Governor Salmon P. Chase as judge of the Common Pleas Court of Hamilton county. On February 12 he was sworn into office, succeeding Judge Oliver, who had resigned. He was judge of this court until November 7, 1859, being succeeded by Judge Collins. On account of his extreme youth and younger looks his appointment as judge was objected to by the older lawyers; but by hard work, uniform and impartial treatment to all, just and fearless decisions, he left the Bench to renew the practice, beloved and respected by all who had come in contact with him. During the war, his sympathetic nature made him espouse the cause of the colored man. He took the stump for universal amnesty, liberty and the Union. He partook in his love for the Union of the spirit of Webster; in his love for abolition, the uncompromising spirit of Sumner. In 1860 he was elected Presidential elector for Abraham Lincoln. He refused the position of assistant judge advocate general, with the rank of lieutenant colonel on the staff of General George B. McClellan. He organized the first colored regiment during the war, holding that the colored man was a fit subject to fight for the Union and his own liberty. During the war he was the confidential friend of Lincoln, Stanton and Chase; spent much of his time at Washington and had much to do in framing the Amnesty Proclamation at the close of the war. His ready pen and active brain were ever employed in the service of his country and his party. His contributions to the press, and his pamphlets at this time, attracted universal attention. He first secured by law, to the negro, the right to ride in the Cincinnati street cars. In 1866, at the early age of thirty-nine, his health failed. Travel abroad brought no relief. Notwithstanding his physical suffering, the last twenty-five years of his life were spent in study and writing on public topics. He was a hard student, and particularly loved biography and history. He was a constant writer during these twenty-five years for the magazines of the country, for the daily press of this and other States, always upon political and social subjects and always under the initials "W. M. D." His style of writing was peculiarly concise, terse and perspicuous. In all his writings, that which most impresses one is that he could say more in a few words than almost any other writer. In his attacks on monopolies, jobbery

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and public trickery, public dishonesty, office seeking for the mere office, he was never misunderstood. Public dishonesty he could not brook, but for private misfortunes or private wrong he always had the kindly word "forgive." Among his correspondents were John and George Carlisle, of Scotland, John Bright, Max Muller, Gladstone, John Stuart Mill, Disraeli, George William Curtis, Seth Lowe, etc. He was for some years before his death president of the board of trustees of the Ohio Medical College. His greatest public love was the formation and success of the Republican party. George William Curtis, in Harper's Weekly of November 2, 1889, among other things, says this of Judge Dickson: "Judge Dickson was a man of that union of deep convictions, cultivated intelligence and intellectual ability, upright character, political courage and independence which is peculiarly American. His sudden and lamentable death is a distinct loss to the force of the best American citizenship. His name will not pass into our history, but it is such qualities as his that make it." Mrs. Dickson died March 6, 1885. Judge Dickson was killed October 15, 1889, by an accident on the Mount Auburn Inclined Plane Railway, leaving surviving him three children: Parker, William L. (both lawyers of Cincinnati), and one daughter, Jennie, now Mrs. Jennie Dickson Buck, of Syracuse, New York.

BENJAMIN F. WADE, deceased. History has already assigned Benjamin Franklin Wade to the immortality of fame. As a man, a jurist and a statesman his life and deeds merit commemoration. His birth was almost contemporaneous with the opening of the nineteenth century, at least during the first year in the State of Massachusetts. He was tenth in a family of eleven children and his mother was a woman of culture and morality. The Wades, who were of English descent, took root in America from Major Jonathan Wade, who planted himself at Medford, Massachusetts, in 1634, after emigrating from Norfolk, England, and married a daughter of Governor Bradstreet. In youth Benjamin Wade struggled with poverty, and in gaining the victory over it he gained the independence and self-reliance which characterized his subsequent life. He was mainly self-educated and his early acquirements embraced a broad knowledge of history and general literature, as well as science and mathematics. He taught school for a time and settled in the Western Reserve, Ashtabula county, a few days before attaining his majority. He was favored with a rugged constitution and well fitted for the life of a backwoodsman, as a stepping stone to something better. He had the physical strength to clear the forest and the intellectual strength to qualify himself for great success in a profession and the foremost rank of statesmanship. He drove cattle across the Alleghenies to Philadelphia as a hired man and worked with pick and shovel on the New York & Erie Canal. He had the disposition to work hard at any employment to which he devoted himself, whilst he fostered an ambition to enter a profession in which brains count for more than muscle and

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sinew. He studied law with Joshua Whittlesey and was admitted to the Bar, beginning his practice at Jefferson. He was the partner of Joshua R. Giddings for the first ten years of his practice, and at the very threshold of his career in the law served as prosecuting attorney of Ashtabula county. While engaged in practice with Mr. Giddings, the late Judge Rufus P. Ranney was a student of law in their office, and upon the dissolution of the firm of Giddings & Wade, that of Wade & Ranney was organized. This was in 1839. Mr. Wade had then overcome the diffidence which served as an impediment in his early practice. To the student of his public life only, the statement that he was bashful, timid and hesitating, and made frequent failures in essaying public addresses, is quite incredible; for at the meridian of life he was a most effective speaker — clear, earnest, intelligent and powerful. He was able to influence the verdict of a jury, move a popular assembly, or carry a measure through the United States Senate, by the eloquence of his oratory and the logic of his argument. As a lawyer he was not the equal of Judge Ranney, but very few of his contemporaries surpassed him in the management of litigation or in effective ability as an advocate. He was a match for the learned, eloquent and very elegant Millard Fillmore, of New York, who was pitted against him in the Ashtabula courts in a very important admiralty case. In the days of his prime at the Bar he asked no favor and was able to take care of himself in a contention with its ablest members. Mr. A. G. Riddle, of Washington, has contributed to the *Western Reserve Law Journal* some anecdotes of Mr. Wade as a practicing lawyer and a judge, which are not without interest in this connection. One of the pioneer churches in the Reserve called a pastor to care for the spiritual wants of the flock and agreed to pay him a stipulated salary. This sum was to be paid by the voluntary subscriptions of individual members, each of whom signed a paper promising to pay "the sum set opposite his name," in the products of the farm or work-shop, all of which were practically legal tender for such debts at that time. After some years a large percentage of the membership became indifferent to their obligations or unable to pay, the pastor's salary was largely in arrears, and his family was in want. He hesitated to sue the church, and the delinquent members sought to enforce his resignation by an accusation of immorality and arraignment before the church authority. In his extremity the man of God applied to Wade & Ranney, who appeared for him, prepared his defense and won a victory. The same attorneys then brought suit to recover his salary, and in the trial Mr. Wade had the closing argument. He arraigned the defaulting members with caustic severity, and pictured in dark colors the meanness of the church, exhibited in the treatment of its pastor. He declared he would submit the case on two fundamental laws regulating human conduct: 1. "The laborer is worthy of his hire." With effective pathos he portrayed the great service of the pastor, and his devotion to the church in nourishing its weak ones and caring for all its interests. He asserted the church, as an organized body, had hired him and was bound to pay him. 2. "He who danceth must pay the fiddler." This recognized rule of human conduct he declared was equally binding. It

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was deduced from the mass of unwritten law which governs the social relations of men. It was the consensus of universal judgment pithily expressed as a maxim. "The church had danced all these years and had not paid the fiddler as the law required," and without further argument or asking any instructions from the court he submitted the case and the jury found for the plaintiff, assessing his damages at the full amount claimed. The case was appealed, but the verdict stood. Two farmers, well off for the times, became involved in a dispute over a matter of considerable importance, and their contention was carried into court. Mr. Wade was employed by the defendant, and his client was stubborn. The plaintiff was endowed with equal grit and pertinacity. Mr. Wade soon became convinced that the litigation persisted in would involve both the parties in financial ruin, and he resolved to save them. Seeking out the plaintiff's counsel, he proposed a compromise, and after the case was considered carefully, terms of adjustment were agreed upon by the opposing counsel. The defendant was greatly enraged. He was combative, and this settlement deprived him of the chance to ruin his neighbor. He followed Mr. Wade into court and openly protested against a settlement without trial. After a few words of explanation by counsel the case was finally disposed of by entering in the clerk's minutes the terms as agreed upon. Afterwards, as related by Judge Ranney, when the belligerent parties to the suit had time to cool, both the plaintiff and the defendant personally thanked Mr. Wade for the satisfactory adjustment of what promised to be an endless as well as a ruinous feud. Another time he appeared for the defendant in a slander case, opposed to his former partner, Joshua Giddings, attorney for the plaintiff. Mr. Giddings, who had high standing as an advocate, was closing his argument with wonderful effect by reciting Iago's eulogy on a good name. He had reached the familiar quotation:

> "But he who filches from me my good name
> Robs me of that—"

At this point his memory failed him and he sought to recover it by repeating—"robs me of that—robs me of that—" Whilst the jury and the audience, wrought to an extreme nervous tension by the eloquence and pathos of the advocate, listened with eager intensity for the climax, and he again repeated, "robs me of that"—"which I never had," suggested Ben Wade, in tones gentle and insinuating. The effect was electric. The tension relaxed and the anticlimax was greeted with laughter which the court was unable to repress, even if so inclined. No human power could resist the humorous outburst responsive to so ridiculous an incident. Of course the argument could not be resumed, and the verdict was for the defendant. Mr. Wade was elected presiding judge of the Court of Common Pleas for the third circuit, by the legislature, in 1847. Thoroughly equipped by natural ability, learning and temper, and by twenty years of successful practice, he assumed judicial duties. His service was in the highest degree honorable and in all respects able. It is only because of the overshadowing greatness of his subsequent career in politics and statesmanship, and because of the more conspicuously public character of

his record in the Senate of the United States during the period of greatest peril to the Nation—the time of rebellion and reconstruction—that the history of his four years on the Bench is so little known. It is sufficient to state here that he judged in righteousness and followed his convictions with a firmness that could not be shaken, even by an overruling decision of the Supreme Court. This was fairly tested in one case, at least, which was tried before him. An appeal was taken from his decision in a case involving nice distinctions and technical construction of the law, and the Supreme Court reversed him. The case was remanded, and on the second trial Judge Wade adhered to his former ruling. On being reminded by counsel that the Supreme Court had held the opposite, he replied gravely: "I am aware of that, and I will give that court a chance to set itself right." His views were sent up at length in the record and the Supreme Court did set itself right by reversing its former judgment. Whilst yet serving on the Bench, in 1851, he was elected United States senator by the legislature, although he was not a candidate and had no information that his name was used in that connection until the telegram announcing his election was received. He was not without experience in political strife and training in the work of a legislative body. In 1837 he had been elected to the Ohio Senate as a Whig and had been the leader of the forlorn hope in the Senate against the odious "black laws" enacted by a majority during the first session which he attended as a member. The anti-slavery spirit was born and bred in him and the cruel legislation offended his sense of justice. He held firmly to a political creed promulgated in the Declaration of Independence, and among his profoundest convictions was the belief that the maintenance of human slavery in the United States was repugnant to that Declaration. He believed that the inalienable rights with which men are endowed by the Creator should not be contravened by restrictive legislation; that the right to liberty was not less a birth-right than the right to life. Ohio was in 1838 strongly pervaded by a Kentucky sentiment on the question of slavery, so that defeat awaited Mr. Wade in 1839. A year later, however, the leaven of his speeches and those of his coadjutors had so permeated the masses that he was again elected in 1841 by the largest majority ever accorded a candidate in that district. He was a leader of the Harrison campaign in the Western Reserve, and before it closed his reputation was national. In all of the succeeding Presidential campaigns, to the end of his life, he was a conspicuous advocate and champion of the Whig and Republican parties. Upon entering the United States Senate, as the colleague of Salmon P. Chase, he naturally took his place among the great leaders. He was in the forefront of the battle to resist the aggressions of the slave power just before the war, and exhibited a courage which was a revelation to the Toombses and Wigfalls and Davises of the Cotton States. Accustomed as a backwoodsman to the use of his rifle, he carried that weapon with him to Washington; but fortunately for his adversary, none challenged him to mortal combat. His bluff manner contained no element of bravado, but the genuineness of his courage won the admiration of his bitterest antagonist. The evi-

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dent sincerity with which his convictions were formed and the unfaltering frankness with which they were uttered made him one of the most formidable debaters of that fearless body of statesmen to whom the issue of life or death for the Nation was committed. From 1861 to the close of the Rebellion he was chairman of the joint committee for the conduct of the war, and one of his bravest colleagues on that committee was Senator Zach Chandler, of Michigan. Mr. Wade was very near the Presidency of the United States in 1867. As president of the Senate he would have succeeded Andrew Johnson if the articles of impeachment had received the votes of only two more senators. During the proceedings of that high court he bore himself with the utmost dignity and decorum. At the close of his third term in the Senate, March 4, 1869, Mr. Wade resumed the practice of his profession and accepted the position of general counsel for the Northern Pacific Railroad. His wife was Caroline Rosecranz, of Middletown, Connecticut, a relative of the distinguished general. His sons, James Franklin and Henry Parsons, both received commissions in the regular army.

WILLIAM H. WEST, Bellefontaine. Honorable William H. West, formerly judge of the Supreme Court of Ohio, is of English-Irish extraction. His father's ancestors were of William Penn's Colony of Quakers who settled on the Delaware, near Philadelphia, in 1682. His grandfather removed to the west shore of the Monongahela near Brownsville, prior to the Revolution, and there his father, Samuel West, was born in 1785. Concerning his mother's ancestors he has little information, except that they emigrated from the north of Ireland soon after the close of the Revolutionary War and settled near Uniontown, Pennsylvania, where his mother was born. Both his paternal and maternal grandparents, with their families, settled in the territory of Ohio near Steubenville before the close of the last century, and they have long slept in the old churchyard of Island Creek above that city. In a few years his father returned to Pennsylvania, and upon attaining his majority, established himself in business at Millsborough, Washington county. Here William H. West was born on the 9th day of February, 1824. When he was six years old he came with his father's family to Ohio and settled on a small farm in Knox county, in a locality where the area of forest largely exceeded the cleared lands. In childhood, therefore, he experienced the joys and privations of pioneer life in the log cabin home. His first inspiration to learning was received in the primitive school-house of the clearing, illumined by the solar light admitted through oiled paper and the frontier schoolmaster's genius transmitted through the beech cudgel or the ferule. Young West was favored with superior advantages, because his father's small collection of books was the largest library in the neighborhood, and he read all of them before reaching the age of fifteen. History, poetry, fiction and allegory were all treated copiously in the quaint collection. He read with more or less eagerness and enjoyment the History of the United States by Woodbridge, and

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Bethune's History of France; fragments of Shakespeare, Bobby Burns, Fielding's novels, Æsop's Fables and Bunyan's Pilgrim's Progress. His youthful intellect was not even palled by the remorseless dreariness of Hume's England. His imagination was cultivated early and his variety of reading gave him much to think about. His relish for books was keen when he entered the primary department of Martinsburg Academy, in the fall of 1840, and pursued his studies in the common school branches to qualify himself for teaching in the country districts. These he mastered with remarkable ease and rapidity, even before his aspiration for a classical education received much practical encouragement. He was, however, persuaded by his preceptor, Rev. Henry Hervey, to remain away from the farm another term and take up the study of Latin as an experiment. To begin was to continue. He read the First Book of Cæsar's Commentaries and was so charmed with it, from the "Omnis Gallia in tres partes divisa est" to the finis, that his resolution was formed to pursue his studies to the completion of a university course. He was obliged to rely upon himself for the means; but his tastes were moderate and his habits inexpensive. It was, therefore, easy for him to pay all necessary expenses with the wages received from teaching a part of the time. Within six years from the time he entered the academy in 1840 he was graduated from Jefferson College, Pennsylvania, as a Bachelor of Arts. The Junior and Senior years only were spent in the college; but his instruction was not less thorough in the academy and his scholarship was undoubted, for he was able to divide the class honors with General A. B. Sharpe, of Pennsylvania, in a class of fifty-eight members. During his last year in Jefferson the college was presided over by the eminent Dr. Robert J. Breckinridge, and after graduation he accompanied Dr. Breckinridge to Lexington, Kentucky, and took charge of a school in the neighborhood which the doctor had procured for him. A year later, associated with his classmate, Rev. G. W. Zahnizer, Mr. West assumed control of the Lexington High School for boys, and among his pupils were members of very distinguished families, including the Clays and the Breckinridges. It is almost certain Judge West received, unconsciously, while teaching at Lexington, the first inspiration to change his profession. The Bar of the city then contained in its membership some of the greatest lawyers and jurists the State of Kentucky has produced —Henry Clay, General John C. Breckinridge, Matt Johnson, Chief Justice Robertson—and he was privileged to hear all of them in the bloodless combats of the forum. He heard the last great popular address of Clay and the splendid oration of General Breckinridge, in 1848, at the memorial services for the volunteer soldiers of Kentucky who sacrificed their lives on the field of Buena Vista. It may readily be assumed the brilliant arguments before a jury, and the matchless eloquence of these masters on the platform, kindled new aspirations in the soul of the young school-teacher in whom were latent all the superb powers essential to masterful debate and sublime oratory. He could not remain long in the quiet occupation of teaching. After one year of service as tutor in Jefferson College and one year as

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adjunct professor in Hampden Sidney College, Virginia, he resigned, returned to Ohio, and entered the office of Judge William Lawrence at Bellefontaine as a student of law, in August, 1850. He had just witnessed one of the memorable contests of the arena—the United States Senate—in which those mighty political gladiators, Benton, Clay and Webster, were discussing the fugitive slave law. He was accustomed to study; his mind was mature; his capacity to grasp and comprehend principles was large, and he made such rapid progress as to be qualified for admission to the Bar in 1851. He formed a partnership with Judge Lawrence by which he was at once introduced to a good practice. The following year he was elected prosecuting attorney of Logan county. As a student and teacher he had become proficient in the classics and higher mathematics. He was especially fond of geometry, which has in its conception and construction more of logic than any other branch of mathematical science. And the mental dicipline acquired by the application of his knowledge of such branches in the art of teaching enabled him quickly to become formidable in the higher reasoning of the law. At thirty he was a good lawyer. At forty he was the peer of any in his circuit. His progress was facilitated all the while by association and contact with the great lawyers who gave character and prestige to the Bar of Bellefontaine and the circuit. To quote another biographer, among these were: "Benjamin Stanton, unsurpassed in his power of debate; C. W. B. Allison and Mr. James Keenan; Colonel John H. James and the Corwins of Urbana; the courtly General Mason; General Charles Anthony; the brilliant William A. Rogers, of Springfield, and the eminent Richard A. Harrison, now of Columbus." No lawyer could maintain himself in such company without the severest labor. No self-respecting, ambitious man would desire to continue his relations with a Bar whose membership was so far above him that he could not occupy a position of comparative respectability. Judge West fortunately possessed the natural ability, the inclination, the will, the capacity for sedulous application, and all the qualities of mind essential to a clear understanding of the law and to fit him for high companionship. Without pretense or arrogance he quietly and certainly established his right to be in the first rank of the Bar. He continued in the practice, with slight interruptions on account of political service, until 1871, when he was elected a judge of the Supreme Court of Ohio. Few members of that court have entered upon judicial service better equipped by original power of intellect, integrity of character, broad and varied attainments, habit of patient investigation, honesty of purpose and the temperament which is best adapted to the duties of Appellate Court Judges. Unfortunately he was permitted to serve on the Bench only one year, when failing vision constrained him to resign. Despite this infirmity, by which the State was deprived of an able jurist, he resumed the practice of law, and has since achieved a higher reputation as a lawyer. A remarkable memory is the substitute for lost vision to a marvellous degree, in the trial of a cause. He holds in mind the important facts in a cause and the testimony of witnesses on every point. He proceeds with a trial expedi-

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tiously, and in argument is able to arrange, classify and present the evidence in the most orderly and effective manner. No material fact is overlooked; no link in the chain of evidence is omitted. His original statement of a case is a plain and comprehensive epitome of what the evidence is expected to establish. His final argument is a masterful rehearsal of the evidence applied to the law, supplemented by the most cogent reasoning, in order to create in the minds of the jury that view of the case which is so clear in his own mind. In this he exhibits the wonderful power of the advocate. Furnished by exhaustive investigation with complete knowledge of the facts, which he has carefully digested and classified by meditation, and arranged among the treasures of his memory, he has undisputed mastery of the subject. Gifted with an active imagination, strong sympathy and the earnestness born of deep conviction, having at command a comprehensive vocabulary of choice Anglo-Saxon and expressive English words, he proceeds in a style great in its simplicity and clearness to reason with the jury. He is particularly strong in his facts and in his application of the law to the facts. In the discussions of legal questions before the court one cannot fail to be impressed with his clear discrimination of the nice distinctions of the law; his accurate judgment in the construction and application of principles; his clearness and definiteness of statement, made possible by the complete irradiation of his mind and a certain forceful style of reasoning from the base of an underlying principle, of which he has keen discernment. He is accustomed to study exhaustively both sides of a controversy, not only to fortify himself against any possible surprise during the trial of a cause, but in order to be able to state his adversary's contention strongly, so that he may combat it effectively with logic and law. He believes in the genius of work, and relies upon the laboratory of the mind for the analyzation of principles and the construction of theories. In the extent and variety of information, in the power of analysis and differentiation, and the felicity of expressing a proposition or an argument, Judge West has few equals at the Bar. Early in his career, as may naturally be expected of one so gifted in oratory, Judge West participated actively in politics. Starting out as a Whig, he became one of the founders of the Republican party in the State, and one of the founders of the first Republican newspaper in his county. In 1857 he was elected to represent his county in the State legislature. In 1860 he was chosen one of the delegates to the Republican National Convention held in Chicago, and he still regards the modest part which he took in the nomination of Lincoln for the Presidency as the proudest political service of his life. He was elected to the legislature of Ohio again in 1861, because the State demanded her wisest and best men for public service, in a crisis for which there was no precedent. In 1863 he was elected to the Senate, and so was continued in the general assembly throughout the war. He was influential in the legislation of this period for the honor of the State and the restoration of the Union. In 1865 he was elected attorney-general and served two terms. In 1869 he was nominated by President Grant and confirmed by the Senate to represent the United

States as consul at Rio Janeiro, but declined to accept the position. After his judicial election and service already mentioned he was nominated in 1877 for governor, but the party suffered defeat. This terminated his political career and permitted him to give undivided allegiance to the law. In 1873 Judge West was a delegate to the convention to revise the Constitution of Ohio. Among the members of this convention, which comprised many great lawyers and jurists, were the late Chief Justice Morrison R. Waite, ex-Governor George Hoadly, Rufus King, Sherlock J. Andrews, Cooper K. Watson, General Thomas Ewing and Lewis D. Campbell. As a political orator and debater he has attained very high rank. His public addresses are characterized by fluency, perspicacity, thoroughness and dignity. He prefers to be plain rather than ornate. And yet, on occasion, his imagery is beautiful and his manner impassioned. He has never fallen below the requirements of any occasion, or disappointed his friends. Possessing in a high degree true oratorical genius—the opulent imagination, the bright humor, the flashing wit, the quick sympathy, the finely modulated voice, the felicitous expression, the earnest manner and the graceful action—he charms an audience by rhetorical declamation. His conception of the public address, however, gives it a character and a purpose above the amusement of those who hear. He believes it should contain ideas, impress a thought, or advocate a principle. Public discussion is one of the means ordained for the propagation of truth, for influencing the minds of men and directing their action in some practical way. He always has the public welfare in view. His diction is always pure. So cultivated is he in belles-lettres that his oratory would befit a college rostrum; so deeply versed in the law and so skillful in the art of reasoning that his argument honors the forum. One of his really great political addresses was delivered in the National Convention of the Republican party at Chicago in 1884. He was a delegate from the State at large and had the honor of presenting for nomination the distinguished James G. Blaine. To the same convention John G. Long, of Massachusetts, seconded by George William Curtis, presented the name of Senator George F. Edmunds, and Honorable Joseph B. Foraker, at present a senator of the United States, presented the name of John Sherman, now secretary of state. Judge West has an ideal home, the center of genuine affection, confidence and happiness. He married, the first time in young manhood, Miss Elizabeth Williams, of Lima, who was a native of Wales, a woman of uncommon mental power and moral excellence. Three sons were born of this marriage, William A., John E. and Samuel A. The first two studied law and became associated with their father in practice at Bellefontaine, in the firm of West & West. The third son is deceased. His second marriage was with Mrs. Clara G. Gorton, widow of Ira M. Gorton, formerly of Columbus, and daughter of Mr. Abner Riddle, of Bellefontaine. She is a cultivated lady, whose cordial manner and genial temper are the flower of her great kindness of heart. Her attachment to her husband and his sons has ever been marked by deep devotion. Naturally benevolent, she devotes much of her independent means to charity, under the auspices of associations able to give

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the contributions proper direction. Judge West remains young and keeps abreast of the progressive thought and material advancement of the time. Since the complete loss of his natural vision his intellectual vision appears to have become quickened, and his insight into things not seen appears to be keener and deeper. In his conceptions of private deportment and public duty, as revealed in social intercourse and official conduct, he belongs to earth's nobility.

ALFRED S. DICKEY, deceased, Greenfield. Judge Alfred S. Dickey, who was born in Giles county, Tennessee, January 6, 1812, and died in Brown county, Ohio, when on a visit to his sister, Mrs. Eliza Kinkead, August 22, 1873, was one of the eminent and honored men of his profession. He was of Scotch-Irish extraction, and his character was enriched by the best elements which by common consent are attributed to the Scotch-Irish Presbyterian. His great-grandfather was John Dickey, and his great-grandmother, Martha McNealy, who were married in the north of Ireland, emigrated to the Colony of Virginia and settled in Albemarle county. From these historic ancestors descended the members of the Dickey family in Ohio who have won distinction in the profession of law and the ministry of the Gospel. Judge Thompson affirms that the whole family history was characterized by four prominent traits: "First, a strong Scotch-Irish Presbyterian religious faith; second, firmness of purpose; third, integrity; fourth, abhorrence of slavery." When four years of age Alfred was brought to Ohio by his parents, who settled at South Salem, in Ross county. There he grew to manhood, receiving his education in the common schools and in the profession of teaching. The family was fortunately poor, and he developed the best traits of independent manhood by earning his own living while studying his profession. He was qualified for the practice of law by the time he attained his majority, and soon afterwards entered into a partnership which exercised a wholesome influence upon all of his subsequent life. It was a partnership approved by his heart and judgment—a union for life with Miss Emily Ann Mackerly, which was formally contracted in 1832. In 1838 he was elected prosecuting attorney of Fayette county, and in that office gave evidence of the possession of a legal mind and correct principles. It was the means of leading him into a bountiful practice, and introducing him to a large clientage, which remained with him so long as he continued at the Bar. In 1847 he removed to Greenfield, a location more convenient for the care of his practice, and one which afforded in its excellent academy better advantages for the education of his children. In 1858 he was appointed by Governor Chase to the office of Common Pleas judge of Ross, Highland and Fayette counties, to succeed Judge Sloan, resigned. He held this office by successive elections until 1871, and during the time lived in a beautiful home which he fitted up at Linden, Ross county. He was always generous and hospitable, entertaining with remarkable heartiness the hosts of friends and distinguished visitors who sought his home. He was a thoughtful,

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affectionate husband, a devoted father. His domestic life was serene and happy. The confidence and trust and affection between himself and his wife never wavered. Their mutual sympathy and helpfulness were manifest in rearing and educating a family of three daughters and one son—the latter being Honorable Henry L. Dickey, of Greenfield. Judge Dickey in early life and on to middle age was a Democrat, who believed in the principles taught by the fathers and founders of the party. His love of freedom and hatred of the aggressions of slavery brought him into the Republican party upon its organization. His patriotism made him a firm supporter of the Union and the government during the Rebellion. He enjoyed the confidence of Chief Justice Chase, as evidenced by the latter's endorsement of a letter addressed to the surgeon-general of the United States, recommending the appointment of Doctor Wilson to a position on the medical staff of the army. This endorsement was as follows: "I am well acquainted with Alfred S. Dickey, the writer of the within. He is an eminent judge in Ohio, and worthy of the great esteem in which he is held. S. P. Chase." The address of Honorable Richard A. Harrison, of Columbus, delivered at the memorial meeting of the Bar at Hillsboro, on the occasion of Judge Dickey's death, contains such a clear and fair estimate of his abilities and characteristics that the biographer cannot do better than reproduce it here. He said: "My personal acquaintance with Judge Dickey began a few weeks after I entered upon the practice of the law, nearly twenty-eight years since. The impression I formed of him, upon my first interview, was that he was a superior man. Our acquaintance soon ripened into intimacy. This continued without interruption or abatement until his decease. Thorough knowledge of him confirmed my first impression as to 'what manner' of man he was. Judge Dickey was a man of large mind, and it constantly grew in bulk. He was remarkable for his sound sense—an inestimable companion for either man or woman. He had an excellent mind for the law. His power of analysis was strong. In the investigation of a subject, his mind rejected the irrelevant and weak. He was fond of investigating and applying general principles. His mind pondered upon whatever subjects he undertook to examine, until he saw them in all their aspects and bearings. He endeavored in his investigations to keep clear of the ruts of commonplace, and to tread on the higher planes of thought. He did not decide until his judgment was thoroughly convinced. If he could not, on the first effort, find data upon which to base a satisfactory conclusion, he suspended his judgment for the time being, and renewed his process of pondering. He was an instance of the truth of a striking observation of a distinguished philosopher. 'There is,' says he, 'much in this process of pondering and its results, which it is impossible to analyze. It is by a kind of inspiration that we rise from the wise and sedulous contemplation of facts to the principles on which they depend. The mind is, as it were, a photographic plate, which is gradually cleansed by the effort to think rightly, and which, when so cleansed, and not before, receives impressions from the light of truth.' Judge Dickey was cautious and deliberate in arriving at a decision; when he did reach a

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determination, he was hard to stir from it. Still, whenever he became convinced that any conclusion to which he had come was erroneous, he would frankly confess his error, and cheerfully embrace the truth, for truth's sake. He never tried to uphold an opinion by dogmatism; if he could not maintain it by fair argument, he gave it up. He was a man of strong, substantive and lasting convictions; and he maintained them with great, but unoffending firmness. No man who does not possess this mental and moral quality can become either a great lawyer or a great judge. But Judge Dickey was not one of that too numerous class who, because they choose to be positive, are therefore sure they have the truth. He loved knowledge, and upon its acquisition it seemed to become an immovable fixture in his mind. In the latter part of his life, he preferred to acquire it by observation, conversation and meditation, rather than much poring over books. He expressed the opinion to me more than once, that many of the law books which have in late years been published were gotten up chiefly to enable the authors, as well as the publishers, to make money; and that many of them tend rather to obscure and unsettle sound principles of law than to elucidate and establish them; and are, therefore, fit things for a bonfire. Judge Dickey, during the years of his preparation for admission to the Bar, and for several years afterward, must have carefully and thoroughly studied the law as a science; for, upon a state of facts being presented to him for legal solution, he would frequently solve the question as to the legal rights and responsibilities of the parties to the transaction, by the correct application of a general principle of law; and this, too, without consulting a single authority. His suggestions upon novel or difficult law questions were always valuable, because he got at the precise point, cleared them of dross, and led you at least in the direction of the right highway to the desired legal truth. Whilst he was at the Bar, Judge Dickey was a successful lawyer. He didn't degrade his profession by making merchandise of his legal knowledge and skill. He didn't 'run down' business, but let it seek him. He would not litigate a case, if he could well avoid it, when he thought his client would surely fail. He never encouraged a client who had not justice on his side. He preferred compromising controversies to bitterly litigating them. He seldom prepared any other brief than a reference to a few authorities, and he hardly ever prepared a written argument. He could think and reason orally with greater accuracy, clearness and force, than he could with a pen in his hand. On the trial of a case, he was master of the facts, understood the exact points in contest, and was prepared to discuss them intelligently and ably. He well knew how to put a point to the 'immortal twelve' so that it would have the most telling immediate effect and the most enduring influence. He was not regarded as an active practitioner. And the truth is, he was not an energetic man, physically; but he was a continual, earnest thinker. He was never mentally inactive nor unemployed. Judge Dickey had a just conception of the position and functions—the rights and duties—of the Bar; and he looked upon our profession as something above a mere occupation in which to make money. He not only

thought that underhand practices will fail in the end, but he detested such practices, because they are, in themselves, wrong and dishonorable, and bring the profession itself into disrepute. The last case argued by Judge Dickey was the 'Ross County Railroad Case,' before the Supreme Court. He understood thoroughly every question and point in the case, and discussed them clearly and forcibly. He held the opinion, from the close of the first consultation, prior to the commencement of the suit, until the final decree, that the 'Boesel Act' was unconstitutional, and that the Supreme Court could not do otherwise than so declare it. He took a very lively interest in the case, and was much gratified with the result. He justly felt, no doubt, that he had not only rendered faithful and valuable service to his clients, but that he had really 'done the State some service.' Judge Dickey was a good judge. He had an eminently judicial cast of mind. He loved justice and desired that every case should, if practicable, be decided upon its substantial merits. Some practitioners in his court thought he was too much inclined to allow equitable views and considerations to enter into his decision of every question and every cause. A sound point, clearly stated by the weakest member of the Bar, had the same effect upon his judgment as it would have had if urged in argument by the strongest lawyer in his court. He was not often misled by fallacious propositions, however artfully and strongly put. Although he was not regarded as a 'ready man,' he was almost always prepared to give an intelligent and sensible decision upon the submission of a question to him. His instructions to the jury were plain and simple. Whilst he had a discriminating mind—a mind for which clear, nice distinctions were nutriment—still, as a magistrate, he seemed to think that too much refining destroys pure reason and interrupts the course of justice. Very few of his rulings or judgments were reversed. Nearly all of them that were carried to the Supreme Court were unanimously affirmed. On the Bench, at the Bar, and in every other position, he was of sterling integrity. 'The best court of equity is a good conscience.' But, above all, Judge Dickey was a true man. He was one of the most companionable men I ever had the pleasure of knowing. He was kind, genial, tolerant, and intelligent. He could interest, edify and divert any person, whether learned or illiterate, refined or rude, young or old. His conversation and discourse were characterized by solid sense and useful information, and oftentimes sparkled with seasonable wit and humor. Every one now in this court room can recall many of his 'flashes of merriment, that were wont to set the table in a roar.' If any man who came into his company had any genuine wit or humor in his nature it would be brought out—it would catch of the judge's, as fire of fire. He took great interest in all current topics, and in whatever concerned the prosperity of the community in which he resided. He was always ready and gratified to aid in relieving the unfortunate or distressed. Judge Dickey loved his country, her Constitutions and institutions. He uniformly, during our late civil war, expressed to me a firm conviction that the country would weather the conflict of arms. Whatever apprehensions he had for our safety and welfare as a people, were based upon

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speculations as to possible departures, after the conclusion of the contest, from the principles upon which our system of government is based, and the demoralization which seems always to result from a great war, and especially from a great civil war. Whatever were, at different times, his relations to the political parties of the country, he was always firmly of the opinion that the cardinal principles of government which he adopted early in life, and which constituted the traditional policy of the country, were just and sound. He was not, however, a believer in the infallibility of party leaders, nor in the perpetual existence of particular organizations. Judge Dickey was a sensitive man; his emotional nature was of fine fiber. Hence, he was easily affected by sharp or unkind words, or malicious criticism; but he was not revengeful; his resentments were fleeting. He doubtless thought the most speedy and effectual, as well as the noblest, remedy for injuries is oblivion. He cherished his friends; 'grappled them to his soul with hooks of steel.' And he seemed to regard them as a shield to his sensitive nature against harsh criticism and unjust censure. He was more charitable in his judgment of his fellow-men than they were in their judgment of him. In speaking of others, he acted on the principle that detraction is a sin against justice. He did not try to discover, and hold up for ridicule and execration, the foibles of any man, whether friend or foe. He was above the meanness of envy. He never sneered at that which he could not rival. He praised meritorious deeds, by whomsoever done. He was pleased when a young man came to the Bar, who gave promise of maintaining its proper standard of learning, honor and ability. Judge Dickey was unpretentious in his manners and in all his performances—another illustration of the truth that unpretending characters are rarely deficient. For a man of his age Judge Dickey was, when he died, of remarkably buoyant and elastic spirits. His genial disposition, and the enjoyment derived from the play of his wit and humor, had kept off, in a good degree, wrinkles from both body and spirit. In common with his friends, as well as himself, I hoped and expected many years of earthly happiness and usefulness were in reserve for him. But alas! that hope and expectation vanished—forever vanished, without warning, and in an instant of time."

WILLIAM C. COOPER, Mount Vernon. Knox county has for more than half a century been noteworthy for the ability and high character of its Bar. The records of appellate courts, common report and the statements of the impartial historian substantiate the assertion. At all times there have been leaders of the Bar, lawyers who naturally and without inciting the envy of their brethren rose above them. There can be no impropriety, therefore, in saying that whenever the roll of the present members is called, not in the order of seniority, but in the order of recognized ability, the name of Honorable William C. Cooper must be among the first. Colonel Cooper is a resident of the city by right of birth and continuous habitancy for sixty-five years. He was born

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December 18, 1832. His descent is Scotch-Irish from the ancestors of his mother, and American through a lineage of half a dozen generations on his father's side. His ancestors were modest but not undistinguished. His grandfather, Daniel Cooper, and his father, Thompson Cooper, were both natives of Butler county, Pennsylvania, although the family removed to Ohio in 1806, during the boyhood of the latter, and settled in Mount Vernon. The city was then little more than a small clearing in the forest, through which the highways were generally Indian trails or bridle paths. Daniel Cooper became captain of an Ohio volunteer company in active service during the War of 1812 and continued to reside in the county until his death, in 1841. Thompson Cooper, grown to manhood among the pioneers, became a leader in neighborhood affairs and politics. He served his fellow-citizens for thirty years as a justice of the peace and for eight years administered the affairs and executed the laws of the municipality, as mayor. The positions to which he was chosen by the free suffrage of his neighbors, term after term, evidence their confidence in his ability and character. None surpassed him in the virtues which make up manhood and respectability. None ever left a cleaner reputation for the employment of energies usefully, for the conservation of justice, honor and right living. He died in 1863, while serving as mayor of the city. William C. Cooper is the son of Thompson Cooper and Rebecca Craig, the latter a native of Washington county, Pennsylvania, and a woman whose ideas of truth, honor and duty were in conformity to the stern maxims and practices of her Scottish ancestry and qualified her admirably to train her sons for the responsibilities of life. He was educated in private schools and the Mount Vernon Academy. His vacations were spent at the various kinds of work on the farm, a healthful exercise, if taken in moderation, which hardens the muscles and strengthens the body. He gave his time to work ungrudgingly, as an essential part of his preparation for the active business of his profession. His heart was set on the law and he commenced the study of it before reaching his majority, under the instruction of Joseph W. Vance and James Smith, Jr. At twenty-two he was admitted to the Bar and soon afterwards became associated in a partnership with Mr. Vance, under whose instruction his course of reading had been pursued. The association was continued about ten years and then was broken only by the death of the senior member, who was killed on the battle field in 1864. Both members of the firm entered the volunteer service of the Union army and Colonel Vance was commanding a regiment at the time of his death. Mr. Cooper enlisted in the Fourth Ohio Volunteer Infantry upon the first call for troops, and was elected first lieutenant of Company B. Going to the front, he continued in active service until January following and then resigned in order to look after the business of the firm and important personal matters. Early in 1864 he returned to the service for one hundred days, as colonel of the One Hundred and Forty-second Ohio Volunteer Infantry, and was in the Petersburg campaign. At the conclusion of this second term of enlistment he returned home and resumed the practice of law alone, and then for two years in partnership with Henry T. Porter and for eight years as head of the firm of

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Cooper, Porter & Mitchell, the last named member being Lewis H. Mitchell. Ever since he was admitted to the Bar the practice of the law has been Colonel Cooper's chief concern. In it he has prospered and succeeded. His solid attainments in the principles and the literature of the profession; his acuteness in discernment; his knowledge of human nature; his capacity to see the larger aspects of anything and at the same time grasp all the details; his familiarity with the hurly-burly of business affairs; his power of original thought; above all, the probity of his life and his saving common sense have combined to secure for him first place at the Bar. He has long excelled as a trial lawyer. In the management of a case in court no detail is overlooked; no essential is omitted. He fortifies and guards every vulnerable point and his vigilance prevents surprises. Watchful and alert, he never loses an opportunity to take advantage of his adversary's mistake or inadvertence. In the sifting of evidence and the examination of witnesses he is skillful. In summing up evidence and massing his argument before a jury he is great. Before the war Colonel Cooper held the office of prosecuting attorney four years. He also served as mayor of Mount Vernon two terms, having been elected the first time in 1860. In 1871 he was elected a member of the legislature, served one term and declined a second nomination. He was for six years president of the board of education of the city of Mount Vernon and was for five years judge advocate general of the State of Ohio. These are the only civil offices ever held by him until he was elected to the Forty-ninth Congress in 1884. He was re-elected in 1886 and again in 1888, serving through the sessions of the Fiftieth and Fifty-first Congresses. His reputation as a lawyer gave him a standing which was maintained and advanced by the wisdom of his counsel in the committee room and his power in debate on the floor. He was not only a very able, but also a very useful member. He was a member of some of the most important committees of the House. During his first term the bill providing for the order of succession in the office of President was passed and he was a member of the committee in charge of the bill. His argument on the subject was masterful and patriotic. He was influential in the committees on elections, on territories, on banking and currency. Politically he has always been a Republican. He managed several campaigns as chairman of the State Central Committee and was the representative of the Republican party in Ohio in the National Committee from 1876 to 1884, during the period of greatest contention within the party. He was a delegate to the National Conventions in 1872 and 1880. He is an active member of the Grand Army of the Republic and has represented his State in the National Encampment on two occasions. Colonel Cooper is a man whose amiable traits give him boundless personal popularity. He was married in January, 1864, to Miss Eliza Russell, daughter of the distinguished physician, Dr. John W. Russell, who practiced his profession for sixty hears in Mount Vernon. Two daughters were born of the union.

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ROELIFF BRINKERHOFF, Mansfield. General Brinkerhoff is descended from one of the oldest Knickerbocker families. He is the seventh generation in direct lineage from Joris Derickson Brinckerhoff, who emigrated from Dretland, Holland, settled in New Netherlands and became the progenitor of the family in America, establishing his home at Brooklyn. Many of the descendants of this first emigrant are still living on Long Island, and in the city of New York, and a few are scattered through the western States. The latter are generally the descendants of Hendrick, one of the sons of Joris, who settled in New Jersey and changed the orthography of the name by dropping the *c* before *k*. General Roeliff Brinkerhoff was born in Owasco, Cayuga county, New York, June 28, 1828. His grandfather was a native of Hackensack, New Jersey, but his father, George R. Brinkerhoff, was born in Gettysburg, Pennsylvania. His mother descended from the union of two historic families of France, Bouvier and DeMarat, Huguenots, who fled from the religious persecutions in their native France and found refuge among the tolerant Dutch of New Netherlands. The subject of this sketch was taught in the public schools of his native county during his early years and for a time attended the academy at Auburn. Among his fellow students in the academy were Roscoe Conkling and Frederick H. Seward. At sixteen he was a teacher in his native town. At seventeen he had charge of a school at Hendersonville, Tennessee. At nineteen he was a tutor at the Hermitage in the family of Andrew Jackson, Jr., where he remained three years. In 1850 he came north and became a student in the law office of his kinsman, Judge Jacob Brinkerhoff, at Mansfield, Ohio. In 1852 he was admitted to the Bar and continued to practice until the Rebellion broke out. Four years of the time, from June, 1855, to 1859, he was editor and proprietor of the *Mansfield Herald*. He entered the military service of the Union in September, 1861, as first lieutenant and regimental quartermaster of the Sixty-fourth Ohio Volunteer Infantry. In November following he was promoted to the rank of captain and assistant quartermaster and stationed at Bardstown, Kentucky, during the winter. After Nashville was captured by the Union forces he was placed in charge of land and river transportation, with headquarters in that city. Thence he was ordered to the front and placed in charge of the field transportation of the Army of the Ohio, subsequent to the battle of Pittsburg Landing. When Corinth was taken he returned home on sick leave, and upon regaining health was ordered to Maine as chief quartermaster of the State. Subsequently he was transferred to Pittsburg, Pennsylvania, and placed in charge of transportaton and army stores. Thence he was sent to Washington as post quartermaster, where he remained until June, 1865. He was then promoted to the rank of colonel and made inspector of the quartermaster's department. In that capacity he remained on duty at the war office with Secretary Stanton until November, 1865, when he was ordered to Cincinnati as chief quartermaster of the department. In September, 1866, he was made brigadier general of volunteers by brevet, and declined a commission in the regular army, which was tendered. He was mustered out at his own request on the first of October, after a continuous

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service of five years. Without delay he returned to Mansfield and resumed his law practice, which was continued until 1873, when he accepted the position of cashier and executive manager of the Mansfield Savings Bank, which he assisted in organizing. Later on he became its president and has had the executive management of that institution nearly a quarter of a century. General Brinkerhoff was one of the promoters, and a charter member of the Ohio Arhæological and Historical Society, which he also served as president. For the last nineteen years he has been a member of the State Board of Charities and chairman of the board. He became a member of the National Conference of Charities and Corrections about twenty years ago, and has devoted much time as well as thought to the subject of prison management and reform. His broad and generous philanthropy has found its highest expression in the intelligent efforts to better the condition of the unfortunate and improve the methods of prison management. An important feature of this philanthropic work is the National Prison Association, organized first in 1870 and reorganized in 1884. General Brinkerhoff became a member of this association at the time it was reorganized, and has been devoted to the cause which it represents ever since that time. Since the death of ex-President Hayes in 1893, he has been president of the association. He delivered an eloquent address before the New York Prison Association on the occasion of its semi-centennial celebration, from which a paragraph is quoted:

"In conclusion it is cheering to say that when we look back through the vista of fifty years and see what was and then consider what is, we are able to thank God and take courage and look forward with hopefulness to the future. In fact I am very sure that when the New York Prison Association celebrates its next semi-centennial anniversary, or rather its full centennial, those who participated will be able to chronicle even larger progress than we do now. When we remember how slow the processes of evolution are, and how many æons of time it has taken to bring the earth to its present development, let us be hopeful and not doubtful, for we know that God lives and that the trend of humanity is upward and not downward. We may fail here through want of co-operation with the forces of the Infinite and lose our own reward, but God's elect shall not perish from the earth, and man's redemption shall surely come. As the great globe swings in its mighty orbit around the sun, and lifts its polar ice crowns into the dissolving summer, so let us have the faith to believe that in the grander cycles of human destiny the long and icy winter of humanity is evolving into the golden summer of the Son of Man."

The plan of representing Ohio at the World's Columbian Exposition by the famous group of statuary in front of her State building was evolved by General Brinkerhoff as president of the Archæological Society. He was chosen to deliver the oration on "Ohio Day," when the group was unveiled, and most eloquently did he portray the matchless valor and virtues of Grant and Sherman and Sheridan, of Chase and Stanton and Garfield. In 1895 he was a delegate, and chairman of the delegation, from the United States to the International Prison Congress held at Paris, France. In that Congress he delivered a public address on American Prison Systems, in which he found

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occasion to state a curious fact: That the three great prison systems of the world originated in the United States, viz., the separate system, which had its origin in Philadelphia; the congregate system of associated labor by day and cellular separation by night, originated at Auburn; the Elmira system, based upon the indeterminate sentence and conditional liberation. He made another speech on behalf of the American delegation in acknowledgment of a complimentary reference to Dr. E. C. Wines and his great services as a prison reformer. During his tour abroad General Brinkerhoff availed himself of the opportunity to visit the British and Continental prisons, and became acquainted with their methods of management. His observations were clearly set forth in a comprehensive report printed by the government at Washington, with the proceedings of the Congress. In March, 1897, he attended the sessions of the National Conference of Charities and Corrections, at New Orleans, and delivered one of the principal addresses. As indicative of the trend of his mind the opening sentences of his address are quoted here:

"Two years ago when I came into the city of London, on my way to the International Prison Congress in Paris, there was one place, with a memorial, that I desired above all others to visit. It was not the Tower of London, with its memories and memorials of historic events; it was not Westminster Abbey, with its countless statuary and costly monuments in honor of soldiers and statesmen and poets who had passed away; it was not the British Museum, with its literary treasures or its vast collection of antiquities; on the contrary, what I wanted to see most of all was the statue of John Howard, in the Cathedral of St. Paul. Since the days of the great apostle to the Gentiles, all through the weary centuries down to the present, there has been no other man who has surpassed John Howard in enthusiasm for the betterment of mankind, or who had endured privations and sufferings for the good of others with an abandon more complete. I was not disappointed, as I feared I might be, for the statue of John Howard was not unworthy of him, and the closing sentence of its inscription was all that could be desired: 'He walked in an open, but unfrequented way to immortality.' As I came into London, so I came into New Orleans, for my mind was saturated with the memories of a man whose history I reviewed on my way down the river, and who, as an honored citizen of New Orleans, wrote his name among the immortals. It was not as a statesman that he impressed me, although as such he had but few equals in our country's history. It was not as a soldier, although, as the aid and military secretary of General Jackson at the Battle of New Orleans, there was no man who rendered more essential service to his chief; on the contrary, it was as author of the penal code for Louisiana, and as a philosopher in the requirements of penal discipline, that Edward Livingston ranks as the foremost penologist in American history, and I am not sure that he has any equal in the world's history."

General Roeliff Brinkerhoff is a man of large abilities and great force of character. He is a clear, strong, earnest, forceful speaker, who understands what he says and puts his conscience into his work. His position as one of the foremost citizens of the State is fixed. He was married February 3, 1852, to Mary Lake Bently, of Mansfield, daughter of Baldwin Bently and granddaughter of General Robert Bently. Their family comprises four children, of whom the oldest, Robert, is a lawyer in New York City; Adelaide resides

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Yours truly
Jno. M. Lemmon

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Very truly yours
Jno. W. Lemmon

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with her parents; Mary, who married Colonel William McCrary, of Minneapolis, is deceased; and Roeliff, the youngest, is the Probate Judge of Richland county. General Brinkerhoff is especially active as a Christian worker, and for more than a quarter of a century has been in charge of the senior Bible class of the Congregational Church.

JOHN McINTYRE LEMMON, Clyde. The late Judge Lemmon, whose life for thirty years was so intimately related to the corporate life of his town and the public interests of his county, was a native of Ohio. He was born in Sandusky county, July 25, 1839, and died at his home in Clyde, August 17, 1895. He had scarcely reached the meridian when stricken by a painful and lingering disease from which death was a welcome release. Judge Lemmon was of Scotch-Irish extraction, the ancestors of his father, Uriah Blake Lemmon, having emigrated originally from Ireland, and the ancestors of his mother, Emily Amanda McIntyre, having come to America from Scotland. His father at an early day bought one hundred and twenty acres in the woods of Sandusky county, on which he cleared a farm and established a home. The father had learned the trade of carpenter, and the exercise of his mechanical skill was observed in the construction of the comfortable hewed log house erected on his land, which was much more comfortable and palatial than the ordinary settler's cabin. It had two floors, one near the ground and the other just below the roof—reached by carpenter-made stairs instead of the customary ladder. All the space on either floor was included in one room, so that the dwelling had two rooms full size. In this house John McIntyre Lemmon was born, and in its attic chamber his boyhood nights were passed, with only the clap-board roof between him and the vaulted heavens. He probably assisted many a time as the winter approached in daubing the cracks anew with fresh clay mortar to hold the chinks in place and keep out the blizzards and render the living room habitable. He attended the country district school, and was studious at home; so that before reaching the age of eighteen he was qualified for teaching, as evidenced by a license from the proper examiner. His special instruction up to this time, aside from the common school, had been obtained in a select school which he attended for six weeks. After teaching at Wales' Corners, on the South Ridge, four miles from Clyde, the winter prior to the eighteenth anniversary of his birthday, for a term of four months, he spent a year in Oberlin College, perfecting his education in English and mathematics. For two or three winters he was employed as teacher, and then went to Jefferson City, Missouri, where he took up the study of law in the office of James Proctor Knott, who was at the time attorney-general of the State. Although but twenty years of age, he was deeply impressed with the political questions of the day, especially the dominant issue of extending the institution of slavery into free territory. It was the time when that issue was fought out between the free Territory of Kansas and the slave State of Missouri, and young

Lemmon improved the opportunity to become acquainted with some of the principal actors in that bloody drama, and with others soon to become prominent in the rebellion. Among them were Stringfellow, the notorious leader of the "Border Ruffians," who controlled elections and made constitutions for Kansas; Sterling Price, the famous general; and Claiborne Jackson, afterwards governor of the State. In April, 1860, he was called back to his home on account of the illness of a member of the family, and continued the study of law at Fremont, in the office of J. R. Bartlett. He shared in the excitement and participated in the activities of the great Lincoln campaign, which joined more closely the issue between freedom and slavery to be fought out on the battlefield during the succeeding five years. Judge Lemmon also had an honorable part in that conflict. He was aroused from sleep the night following the attack on Fort Sumter by some young comrades or friends, who brought the news to his home at Fremont. He was among the first in his town to enlist, under the President's call for seventy-five thousand volunteers for three months. He enlisted in the Eighth Ohio Infantry, but was attacked with measles—which missed him in youth—and was unable to accompany his regiment into camp, but joined it later. October 9th of the same year he re-enlisted in Company B, Seventy-second regiment Ohio Volunteer Infantry, commanded by Colonel (afterwards General) Ralph Pomeroy Buckland. He not only set the example of patriotism by first enlisting himself, but devoted considerable time to recruiting, by attending public meetings, making public speeches and urging other young men to enter the army. He went to the front with his command in January, 1862, and was introduced to the activities of war only two days before reaching the bloody field of Shiloh. He participated in the fighting both days at Shiloh, and sustained no less than three wounds, two of which were received the first day—one a musket shot wound in the left arm, and the other by a spent ball on the right arm. The second day in the afternoon he was disabled by a shell from a Rebel battery, whose explosion hurled a piece of heavy timber against his side. The following month he was promoted from a private to the rank of second lieutenant, and just two months later received further promotion to a captaincy. He served until the war closed, all the time in the west. As a soldier he performed every duty faithfully and uncomplainingly. He was one of the intelligent soldiers who comprehended the nature of the conflict, and did not underestimate the skill or courage of the enemy. Whether in the field, participating in the brilliant campaign against Vicksburg, or at the Siege of Corinth, or pursuing fugitive bushwhackers in Missouri, or in numerous engagements on the way to the Gulf, in Tennessee and Mississippi, he was the same brave soldier and modest officer, respected by superiors and honored by subordinates. He was detailed at Memphis for special service as judge advocate general, to conduct on behalf of the government the prosecution of civilians charged with violating the military regulations and the common law. The court was a military commission, composed of three officers detailed for the service, with the late Thomas M. Browne, of Indiana, as

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chairman. Some of the cases were of great importance, and in one instance at least, the death sentence pronounced by the commission was followed by the execution of three prisoners. This was the case of J. W. Smith, alias Dick Davis, a desperado who followed the army for purposes of plunder and robbery, who did not hesitate to commit murder for purposes of gain. Captain Lemmon was mustered out in June, 1865, a veteran who had seen three years of active service, and gained some experience in his profession. He settled in Clyde in the fall of 1865, and in 1866 was elected the first mayor of the town after its incorporation. Twenty-one years later, just when the city had become of age, he was again elected mayor. In January, 1865, he began the practice of law, with a wide general knowledge, much useful experience and a library of seven volumes. As it would be difficult for a young lawyer to succeed with a smaller library than this, it may be useful to state that it comprised the two volumes of Ohio Revised Statutes, Swan's Treatise, Ruil's Domestic Relation and one of Cruise on Real Property. He built up a business gradually, feeling his way carefully until able to stand alone and take care of the interests of his clients in any courts. The clients came in due time and entrusted their cases to his management, until his business passed beyond the limits of Sandusky and rendered necessary his regular attendance at court in all the neighboring counties. In twenty years he had become one of the first lawyers in his section of the State, capable in knowledge of the law, successful in the management of litigation and strong in the confidence of the people. In 1886 his qualifications for judicial service were recognized by the governor in the appointment of him for the residue of the term of Judge Charles P. Wickham, resigned. By this appointment he became judge of the Common Pleas Court for the First Subdivision of the Fourth Judicial District of Ohio. The honor came without his solicitation and after he had declined to accept a nomination for the same office as candidate of his party. He served only until a successor was chosen at the next election and qualified. He might have been his own successor, but declined again to accept the nomination. He preferred the general practice of a lawyer to the duties of a judge. The contests of the forum and the preparation of cases for trial, the counselling of clients and the details of office business were more to his liking than the equally laborious and less profitable judicial service on the Common Pleas Bench. He was a man of affairs, successful in his own business as well as in counselling others and managing for them contentions which have reached the acute stage when nothing will satisfy but an appeal to courts and juries. He was a good, safe lawyer, mindful always of interests entrusted to him and honest in the discharge of a public trust or a private obligation. He was modestly a conspicuous citizen, whether estimated by his personal worth or professional standing. Starting without a classical education, he acquired liberal learning by constant reading and embellished it with culture obtained by travel. In the summer of 1877 he took a vacation and travelled extensively in Scotland, Wales, England and France, accompanied by his wife. Aside from this tour abroad he was always a busy man. The expression of

sorrow on account of his death voiced the genuine feeling of the community in which he was known, loved and honored for thirty years. Judge Lemmon left a widow and one son—the only child—Mack Lemmon, who occupies the beautiful suburban homestead; who in 1892 married Miss Agnes Wilson, daughter of Rev. George E. Wilson. This union has been blessed and strengthened by calling into activity the affections awakened by the birth of a child.

CHARLES H. SCRIBNER, Toledo. Judge Scribner is of English descent, although his ancestors became residents of New England nearly two and a half centuries ago. The founders of the American branch of the family emigrated from England and settled in Connecticut, near Norwalk, in 1665, and for many generations the place continued to be the family seat. Charles H. Scribner was born there October 20, 1826, the son of Asa Scribner and Esther Jelliff. His mother's family had lived in the same neighborhood for several generations. His maternal grandfather served with Washington in the Revolution. His paternal grandfather was a minute-man in the War of 1812, and served on Long Island Sound, in Connecticut. While he was yet a child his father's family removed to Newark, New Jersey, and remained there eight years. In 1838 he came to Ohio in advance of his parents, and lived with his grandfather, who had come west and settled in the State three years before. During the autumn of 1838 his parents followed and settled in the village of Homer, Licking county. After spending two years in Ohio at farm work and in the district schools, young Scribner returned to New Jersey, where he remained until 1842. He was sixteen years of age when he finally settled down to become a permanent resident of Ohio. He was diligent in the prosecution of studies in the winter schools and by the fireside at home in the winter evenings, at the same time continuing his work on the farm in season. In accordance with an established custom of the times, a custom to which is attributed much of the independence and manly self-reliance of influential men of the present generation, he became an apprentice in order to learn a useful trade. He was indentured at eighteen to a saddler and harness maker and while perfecting himself in the mechanical art he was acquiring a knowledge of the law. He aspired to occupy a kind of Bench different from that on which he learned to cover a saddle-tree, and fashion the plain, substantial harness for horses drawing the plow or the road wagon. His study of the law was under the tuition of Edmund Connelly, a member of the Licking county Bar, and he was obliged to walk four miles to recite his weekly lessons. His progress was so satisfactory that he was admitted to the Bar by the Supreme Court in October, 1848. Attracted by its superior advantages, he located at Mount Vernon to begin practice, where he enjoyed the benefit of association with the members of a very able Bar, some of whom afterwards became distinguished in public office as well as in the profession. Honorable Columbus Delano, secretary of the interior;

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Judge R. C. Hurd, author of a treatise on the Law of Habeas Corpus; Hosmer Curtis and Honorable Henry B. Curtis; Honorable Walter H. Smith, assistant attorney-general under President Grant; William Windom, subsequently a senator of the United States from Minnesota and secretary of the treasury in two cabinets; and Daniel B. Norton, also a United States senator from Minnesota—all were practicing lawyers at Mount Vernon when Judge Scribner became a member of the same Bar at the age of twenty-two. He was studious and ambitious, and therefore required little time to demonstrate his capacity and maintain himself in such company. In November, 1860, he formed a partnership with Honorable Henry B. Curtis, and the association was broken only by his change of residence after the expiration of about nineteen years. Within that period Mr. Scribner won an honorable position and enviable reputation in his profession. He participated actively in politics during the earlier years, and was the Democratic candidate for judge of the Common Pleas Court in 1861, in the subdivision composed of Knox, Licking and Delaware counties. While defeated by the Union movement, which increased the support of Republican candidates in that election, he carried Knox county, in spite of its majority of one thousand for the opposition ticket, and also carried Licking; but was overborne by the immense majority of the opposition in Delaware county. In 1861 Mr. Scribner commenced his celebrated work on dower, which was completed in January, 1864. This work to-day is a standard authority on dower, both in the United States and England. In 1867 he was elected a member of the State Senate for the district comprising the counties of Knox, Morrow, Holmes and Wayne, and rendered efficient service as chairman of the judiciary committee. During the first session a special commission of three members was appointed to revise and codify the general laws relating to municipalities of the State. Mr. Scribner was appointed a member of this commission and was selected for its chairman. The duties of the committee were arduous and the labor imposed upon the chairman was particularly severe during the session of the legislature, occupying his time late into the night for several months. The labor was performed faithfully and thoroughly, however, and the codification bill reported embraced seven hundred thirty-two sections. It was enacted into law by the legislature substantially as reported. Thereupon a bill containing about two hundred and fifty sections, which had been prepared by Honorable Frank Hurd at the preceding session, was introduced by Senator Scribner, providing for a code of "Criminal Procedure" for the State. This, also, was finally adopted after a very earnest contest by its sponsor and friends. In January, 1869, Mr. Scribner removed to Toledo and entered into partnership with the late Frank Hurd, with whom as a member of the Knox county Bar he had long been on terms of intimate friendship. His law practice was large and remunerative, and the duties of his profession have continued to secure his undivided attention down to the present time. In 1873 he was elected one of the representatives of Lucas county in the convention held to revise the Constitution of the State, a position for which his broad knowledge of the law and the defects in the Con-

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stitution qualified him peculiarly. His associate from Toledo in that convention was Judge Morrison R. Waite, who afterwards became Chief Justice of the Supreme Court of the United States. His election as the nominee of the Democratic party was at once a tribute to his personal popularity and his liberal political views. It was largely due to the recognition of a sentiment that has always influenced his own political action in supporting candidates for municipal or judicial offices, viz., that character and fitness should have more consideration and weight than partnership. The normal Republican majority in Lucas county at the time was about one thousand. He was nominated the same year by the State convention of his party as a candidate for Judge of the Supreme Court, but the adverse partisan majority in the State was too strong to be overcome, although his gain over the ticket was large. The firm of Scribner & Hurd, and later the firm of Scribner, Hurd & Scribner, naturally had a clientage representative of the best men and largest interests in the city and the locality. They were counsellors of profound ability and trial lawyers of eminent standing in the profession. The partnership relations were maintained until 1887, when Charles H. Scribner was elected circuit judge. The first term of five years demonstrated so clearly his high qualifications for the Bench that he was re-elected in 1892 for a second term. Judge Scribner possesses the deep learning, the keen descernment, the judicial temper, the impartial mind and the inflexible integrity which mark the upright and successful judge. He has the habits of a student and the capacity for application so essential in one who occupies the Appellate Bench. He is also favored by the culture which is acquired only by travel and observation. In 1883 he spent several months in Scotland and England. Two years later he suffered from nervous prostration which prevented attention to professional business and rendered desirable a change of climate with complete rest. After visiting Florida and other places in the South without relief, he made another voyage and spent some time on the shore of the Mediterranean at Cannes, France. While abroad he also visited England, Belgium and other European countries. With health restored he returned home in 1887 and was elected judge of the circuit. He was married October 20, 1847, to Miss Mary E. Morehouse, a native of Newark, New Jersey, whose parents were Ezra B. and Susan (Baldwin) Morehouse. Her grandfather was a soldier in the Revolution and for many years a pensioner on account of such service. The children of Judge Scribner are: Harvey, of Toledo; Charles E., of Chicago; Edwin M., of Bridgeport, Connecticut; Rollin H., of Toledo; Gertrude E., wife of Charles E. Cone, of New York; Marabelle, wife of J. M. Spencer, Toledo; Josephine D., wife of Charles H. Gates, Toledo; Jessie S., wife of Louis G. Richardson, of Chicago. [Judge Scribner died February 23, 1897.]

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RICHARD WAITE, Toledo. For the past forty years the subject of this biography has been a practicing attorney in Toledo, Ohio. He sprang from two noted Connecticut families, united by the marriage of Henry M. Waite to Maria Selden. The Waites emigrated from England and became settersl in Connecticut during the earliest colonial days, and some of them became distinguished, especially in law and jurisprudence. The Seldens also came from England in the dawn of the colonial period, and at least one member of the family, grandfather of Mr. Richard Waite's mother, held the rank of colonel and commanded a regiment in the Revolution. Richard Waite was the youngest of a family of eight children. His eldest brother was Morrison R. Waite, late Chief Justice of the Supreme Court of the United States. The second was George, who also adopted the profession of law and settled for practice at Troy, New York, where his great abilities and broad education soon enabled him to secure a prominent position. His career, which promised unusual brilliancy, was terminated by an early death. All three of the brothers were graduated from Yale and all of them inherited from their father, who was conspicuous in the profession, an overmastering taste and inclination to devote their lives to the calling for which they were so peculiarly fitted. The father held both political and judicial offices in his native State, where his entire life was passed. He served for many years as Chief Justice of the Supreme Court of Connecticut with honorable distinction, and retired at the age of seventy with the confidence and respect of his fellow citizens. The subject of this sketch was prepared for college in some of the excellent academies of New England and in Williston Seminary at East Hampton, Massachusetts. Immediately after his graduation from Yale he came to the city of Toledo, where his brother, the late Chief Justice, had settled some years before to engage in the practice of law. Entering the office of his brother, he pursued his studies in the law until qualified for practice, and after his admission to the Bar by the Supreme Court of Ohio formed a partnership with him, constituting the firm of M. R. & R. Waite. This partnership was continued with great success until 1874, when the office of Chief Justice of the United States Supreme Court was tendered the senior partner by President Grant. The business was, however, continued by the junior member and a son of the Chief Justice under the firm name of R. & E. T. Waite, and later, upon the death of the nephew, with O. B. Snider, under the present firm name of Waite & Snider. Mr. Waite has given all of his time and energies to the private practice of the law; has never engaged in politics or held political office; has never been a candidate for judicial office or any other official position. When the Rebellion was raging and the call rang out for "three hundred thousand more" volunteers to support the Union cause, Mr. Waite responded. He enlisted in 1862 and was appointed captain of Company A, Eighty-fourth Ohio Volunteer Infantry, for three months. He was mustered out at the close of the term and in 1864 again entered the service, as captain of Company C, One Hundred and Thirtieth Regiment Ohio Volunteer Infantry, serving for one hundred days on the James river, in the campaign against Petersburg. He performed his military duty

modestly and faithfully, without ostentation or ambition for high rank. He has been satisfied with the opportunities and the rewards of his profession and has won very high standing among lawyers for the superior abilities displayed in the management of an office business. During the later years he has given much time to the settlement of large estates, for which his trustworthiness, sedulous attention to details and large capacity for application qualify him so admirably. The strength of his intellect, the vigor of his conscience, the depth and consistency of his convictions, the keen sense of responsibility, the exalted self-respect, known in the community with which he has so long been identified, invite that kind of business demanding the utmost fidelity and the profoundest regard for the rights of others. Mr. Waite is a member of the Loyal Legion, and of the Grand Army of the Republic. He is also a member of the Episcopal Church, of which he became a communicant soon after locating in Toledo. He has always adhered to the Republican party. He was married in May, 1857, to Miss Alice J. Vooris, a native of Brooklyn. They have five children living. A judge who has known him long and intimately adds this concerning Mr. Waite:

"He is altogether a different man from his great brother; is an office lawyer and has achieved a very high standing both in court and office practice. He is a man of high character, esteemed by everybody; a most cautious, careful and prudent lawyer. He has an excellent practice and has handled many important cases involving large interests and large estates. His capacity for detail, and his untiring diligence in the examination and preparation of his cases are apparently inexhaustible. As trustee or executor, and indeed in all matters connected with the handling of estates, I know of no man more thoroughly reliable, capable and worthy of confidence. He is a strong lawyer."

WILLIAM BAKER, deceased, Toledo. For half a century William Baker lived and practiced law in Toledo. Locating there in 1844 in the vigor of robust young manhood, with a character strong in its integrity, and a love of the profession which he had chosen, he entered the lists in company with some who had already won fame or distinction at the Bar. His success was no less remarkable for its instantaneous achievement than for its constant growth and permanence. The story of his unpretentious life is interesting. Born in the State of Ohio at Norwalk, February 5, 1822, his home has always been in the State. His seventy-two years were honorably and usefully employed. His father was a New England man, native of Massachusetts, who settled at Norwalk in 1818 and became a prominent, influential citizen—a leader in the new settlement; whose brain and muscle contributed much to the development of the frontier in its material resources, and the promotion of justice and learning in the land. His father was not a lawyer, in the breadth of knowledge of the books essential to successful practice, but he was a judge in active service for twenty-one years—associate judge of the Huron Court of Common Pleas three terms—active and zealous to promote the ends of justice. William Baker was

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prepared for college at the Norwalk Academy, and was graduated with honors from Granville College, which subsequently became Dennison University. This was in 1841, when he was nineteen years of age. For a year thereafter he studied law in Zanesville with Goddard & Converse, and then attended the Law School of Harvard University. It was in the red-letter days of that school when Joseph Story, the great interpreter of the Constitution, and Simon Greenleaf, the voluminous author of law text-books—qualified by the learning of the books, the wisdom of experience and the ripeness of age—expounded the law to young, ambitious students. He was fortunate indeed to sit at the feet of such teachers, and the opportunity was wisely improved. He was graduated from Harvard in 1844 and settled in Toledo the same year, to assume the responsibilities for which the universities had declared him competent and the Supreme Court of Ohio had granted him a certificate. Very soon he acquired a large practice and a lucrative business. He early displayed remarkable ability in the management and disposition of the cases that came to him. For the first three years he practiced alone, and then formed a partnership with Myron H. Tilden. The latter had been president judge of the Common Pleas Court of his district, and resigned in order to re-enter the practice. This partnership was dissolved after an existence of three years, on account of the removal of Judge Tilden to Cincinnati. He continued alone until 1857, when he became associated with William A. Collins. This association was maintained for thirteen years, until the elevation of Judge Collins to the Bench. For the next ten years Mr. Baker practiced alone, when his son, Rufus H., who was a graduate of the Columbia College Law School, of New York, was received into a partnership. A year later Barton Smith was admitted to the firm, which was thereafter Baker, Smith & Baker, until the death of the senior partner in 1894. This firm had a very large and very valuable practice. Mr. Baker was a lawyer of marked ability and unusual resources. The methodical habits which he had formed enabled him to give effective and practical expression to his knowledge of the law. Strong common sense and sound judgment completed and rounded out his superior qualifications. He was especially capable in real estate and commercial law and equity practice. His clearness in counsel, energy and promptness in the management of litigation, unyielding integrity in all matters of trust, and unswerving loyalty to the interests of a man whose cause he espoused, commended him to clients. The strength of his intellectual powers, the breadth and depth of his learning in the law, his demonstrated capacity for large affairs, attracted the notice of corporations, and afforded the basis of the great success which he achieved. The assemblage of faculties and union of qualities in the formation of his character won the confidence of the representatives of capital seeking investment. He was enabled to secure much of this for important public improvements. His judgment on investments was good, and he was actuated by a broad spirit in recommending them. Littleness or selfishness was foreign to his nature. The general good, the public welfare, was esteemed above any personal aggrandizement. He was not prevented by the restraint of vanity

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from co-operating with any and all others whose chief aim was to promote the good of the people, the advancement of the community. He had time for work and enterprises whose benefits are common and general. He was interested in the construction of two great lines of railroad between the East and the West: The Toledo, Norwalk & Cleveland (now the Lake Shore) and the Wabash. For fifteen years he served in the directory of the Wabash. He was also prominent and influential in organizing industries by means of manufacturing corporations. He loved literature and devoted some time to its study, despite the exacting demands of professional business. He was a believer in Christianity and a supporter of the instrumentalities for its advancement. His membership was in the Baptist Church, and his upright life illustrated the principles of the religion which he professed. Politically he was a Whig until the dissolution of that party, when he became a Republican. He was earnest in promoting the party policies, but never a candidate for political office. He was in no wise a self-seeker. He was married August 28, 1849, to Frances C., daughter of Peter Latimer, of Norwalk. Four sons and one daughter were born of this marriage: William L. Baker, a civil engineer and superintendent of the Detroit Bridge & Iron Works, who died in May, 1888; Herbert and Arthur, iron founders; Rufus H., a lawyer and partner of Barton Smith, Toledo; and Katharine Baker, now Mrs. J. J. Manning, of Toledo. To the other accomplishments of Mr. Baker was added the culture which comes from travel. In 1882, accompanied by his wife, he made a tour of the entire continent of Europe, except Russia, and his mind was enriched by the treasures of history obtained by observation, and contact with historic places. He died in 1894, and left a spotless name as a heritage for his children. His memory is held in esteem by his brethren of the profession and the citizens of the city in which he was permitted to live and work so long. In a memorial prepared by Barton Smith and read before the Ohio Bar Association, is the following:

"Were I called upon to fix in a word William Baker's most striking qualities, I should say, unhesitatingly, his unfailing good sense and his remarkable kindness and amiability. When difficult legal problems were presented to him he seemed always, as by intuition, to perceive the vital question, and point out the direct road to its solution. But above all was his gentle, unassuming kindness. A modesty so excessive as to amount almost to a vice, and a supersensitiveness to adverse criticism made him appear at first reticent, reserved and unapproachable; but at heart he was to all as gentle as a woman and as kind as a father. In a close business intimacy of nearly fifteen years, I never heard William Baker say a harsh or unkind word to any one, or of any one. Of all, he spoke either good or not at all. The city of his adoption never had a firmer or more useful friend. It is no exaggeration to say that for more than forty years no important business enterprise was started in Toledo without his personal or pecuniary assistance. His life was active, happy, prosperous and useful. His declining years were brightened by duties well done, and by the hope of a glorious awakening to immortal life beyond the grave."

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Very truly
Paul R. Sloane.

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RUSH R. SLOANE, Sandusky. Rush R. Sloane, twice elected Probate Judge, was born September 18, 1828, at Sandusky, Ohio. His father, John N. Sloane, was a native of New York State and settled in Erie county at Sandusky in 1815. He was a good lawyer and attained success in the profession. His grandfather, William Sloane, was an officer in the American Revolution and died for his country with English bullets in his body. The grandfather, with his brother, John Sloane, first settled and named the town of Lyme, New Hampshire, in 1764. The Sloanes were among the earlier English settlers of New England. His mother, Cynthia Strong, was a native of Massachusetts and a descendant of John Strong, of North Hampton, and her ancestor Caleb Strong was eighteen times governor of Massachusetts, and United States Senator. Mr. Sloane's earlier education was in private schools, and afterwards in the old Methodist Seminary at Norwalk. Leaving school at the age of sixteen, he entered the law office of Honorable F. D. Parish, who, with one exception, was the first and oldest lawyer who ever practiced at Sandusky and who succeeded Judge Sloane when he resigned the judgeship of the Probate Court. Young Sloane remained in Mr. Parish's office for five years, during which time he became well grounded in the principles of the law; so when he arrived at the age of twenty-one, in September, 1849, he was admitted to practice. In 1852 he was admitted to the State Supreme Court and the United States District, Circuit and Supreme Courts. Upon his admission to the Bar he entered at once upon an active general practice, at first alone; but later he formed a co-partnership with W. F. Converse, which continued for five years. After the dissolution of this partnership he continued alone until 1857, when he was elected judge of the Probate Court for Erie county. Upon the expiration of his first term he was re-elected in 1860, but resigned in 1861. He accepted a position tendered him by President Lincoln, as general agent at large of the Post Office Department, with headquarters at Chicago. At this time Chicago had a population of about 50,000 people, and by purchase of property in the business section of the city Judge Sloane laid the foundation of his fortune. He was largely instrumental in securing the election of John Sherman to the United States Senate the first time, in 1861, and again in 1866. In 1865 and 1866 he was chairman of the Republican State Central Committee. In 1872 he left the Republican party, and became a candidate for Congress on the Greeley ticket, and since that time has been a Democrat. In 1879 he was elected mayor of Sandusky. Judge Sloane was a zealous opponent of slavery, and he had the honor of preventing the kidnapping of six escaped slaves and was the only victim of the fugitive slave law of 1850. Judge Sloane has been most active in promoting the welfare of his native city, as well as the State's interests. He built the railroad between Columbus and Springfield, and was a director and one of the organizers of the railroad between Dayton and Cincinnati. The Mad River railroad, lying between Sandusky and Dayton, was built by him, and at different times he has been president and director in five railroad corporations. In recognition of his meritorious writings and donations, historical societies in several States have elected

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him to honorary membership. He is now the vice-president of the Firelands Hostorical Society of Ohio. Judge Sloane is a lawyer of much force and ability, always displaying marked energy and determination in his undertakings. He has amassed a liberal fortune. He takes great pride in and has spent much money to beautify Sandusky. As a man he is gentle and charming in manner, always kind, considerate and congenial toward all with whom he is brought into contact. In 1854 Judge Sloane married Sarah E. Morrison, of Rochester, New York, and by this union there were two sons, Thomas M. Sloane, a lawyer at Sandusky, and Frank G. Sloane, late of the firm of Schoepfle & Sloane. In 1870 his wife died, and in 1874 he was again married to Helen F. Hall, of Elyria, Ohio. By this marriage there are two daughters, Helen S., now Mrs. John B. Ford, Jr., and Mary B., now in school.

EMERY DAVIS POTTER, late of Toledo. Honorable Emery Davis Potter died February 12, 1896, in the ninety-second year of his age. He came of Puritan and Quaker stock, being the son of Abram Potter and Johanna Davis Potter, born in Providence, Rhode Island, October 7, 1804. His family removed from the Providence plantation to Otsego, New York, in 1806. The father's circumstances were not such as to provide the son with more than very limited educational advantages in childhood. As the result of persistent effort, however, the latter ere long was encouraged to expect a collegiate course, in which he was disappointed, and was compelled without such advantage to enter upon the chosen profession of the law. This he did in the office of John A. Dix and Abner Cook, Jr., two able lawyers of Cooperstown, New York, the former having subsequently been governor of New York, United States senator from that State, and secretary of the treasury. Completing his studies, Mr. Potter was admitted to practice in New York, but soon deciding to make his home in the West, left for Toledo, where he arrived in the winter of 1834–5. Here he found a field not the most inviting in some respects for an ambitious young man, but one which he was not long in turning to the best account. His abilities as a lawyer soon attracted attention, while his active interest in public enterprises and political affairs gave him early prominence. In 1838 he was postmaster, and in 1839 was elected by the legislature as president judge of the Common Pleas Court for the Thirteenth Judicial District of Ohio, embracing ten counties and covering northwestern Ohio. In those days there were no public means of conveyance, and he was compelled to travel from county to county on horseback, largely through a dense wilderness where frequently in the absence of bridges he was obliged to swim streams and to resort to methods of travel of which the present generation in that section have no remembrance. In 1843 he was nominated by the Democrats and elected to Congress from the district made up largely of the territory embraced within the judicial district. He at once took a prominent position in Congress, serving with John Quincy Adams upon the select committee on the Smithson will,

whose action led to the founding of the Smithsonian Institute. In 1847 he was elected representative in the Ohio legislature, where he acted largely as a leader of the Democratic side of the House. In October, 1848, he was elected to the Thirty-first Congress, where he took a specially prominent part in the long struggle for the speakership, receiving at different times seventy-eight votes for that high office, and coming within three votes of being elected. He was made chairman of the committee on post offices and post roads, and as such was the author of the bill of 1851, providing for cheap postage and the coinage of the three-cent coin. At the close of his term in Congress he resumed the practice of law, and in 1857 was appointed judge of the Federal Court of Utah, but declined the honor. In 1859 he was appointed collector of customs for the Toledo district, serving until 1861. He was elected senator in the Ohio legislature in 1873, serving until 1875, where he was influential in securing the enactment of the law providing, at the expense of the State, for the propagation of fishes in Ohio. To his personal attention and good management the successful introduction and establishment of that policy of the State was largely due. He was mayor of the city of Toledo for the years 1847-8, at times a member of the common council of the city, and its city solicitor, as also a member of the board of education. In stature he was six feet two inches and was of a large and powerful frame. He was of a genial and happy disposition, easy of approach, and with "malice toward none and charity for all." His knowledge of affairs and men was most entensive. A companion of John Quincy Adams, he also enjoyed the acquaintance and friendship of Calhoun, Webster and Henry Clay. He was by the bedside and held the hand of the great Kentuckian when his spirit took its flight. He sat in judgment on the first case his fellow citizen, the late Chief Justice Morrison R. Waite, tried and argued in court. He was a friend and companion of Rufus P. Ranney and Allen G. Thurman. During the Rebellion he was a War Democrat, unflinching in his patriotism and devotion to the Union cause. His mental faculties remained vigorous and unimpaired to the last hour of his life. His last public appearance was the delivery of an address at the laying of the corner stone of the new court house in Toledo. Judge Potter was married in 1843, to Miss Mary A. Card, of Willoughby, Ohio, who died in 1847, leaving one son, Emery D. Potter, Jr., now a prominent member of the Lucas county Bar. He was subsequently married to Miss Anna B. Milliken, of Pennsylvania, who, with one daughter, Miss Anna Claire Potter, is now living. Upon the death of Judge Potter there was called a largely attended meeting of the Toledo Bar Association, and after many tributes had been paid by old friends and acquaintances to his distinguished life and character, it was resolved, "that a memorial be presented to the several courts of Lucas county, and that they be requested to have the same entered upon their records, as a just tribute to the life and character of the deceased, and as enduring evidence of what may be accomplished by the young men of this favored land without the aid of help or prominent family influences, and as incentive to worthy effort, high aim and honorable living." The memorial concludes thus: "He departed full of years and with many honors. Still to add greater honor to his age than man could give him, he died fearing God."

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IRWIN I. MILLARD, Toledo. Judge Millard was born near Tyro, Richland county, Ohio, December 9, 1838. His ancestors on his father's side, originally English and Welsh, lived in Pennsylvania for several generations. The first member of the family that emigrated to America was Thomas Millard, who came as the private secretary of William Penn, as shown by the family records. Rev. Thomas Millard, grandfather of the judge, was a Methodist preacher, who came to Ohio from Pennsylvania with his family, by the wagon route, in 1831, and settled on land which was then in Richland but subsequently became a part of Crawford county. He founded a Methodist church in the neighborhood and proclaimed the gospel there. When living in Chester county, Pennsylvania, near Philadelphia, he travelled over a large circuit and preached for many years. In his itinerary he became the friend and associate of the venerated Peter Cartwright, whom he frequently entertained at his home and with whom he travelled the circuit. This ancestor copied from the old family Bible, handed down from generation to generation, the data relating to genealogy and the connection between the first Millard emigrant to America and the founder of the Quaker colony at Philadelphia. Judge Millard's parents, Joseph Millard and Mollie Immel, were natives of Pennsylvania, the former of Chester county and the latter of Pottsville. His father was a mill owner and engaged in the milling business throughout his adult life, having located the site and built the first flour mill in that section of Ohio in which the family settled. It was run by water power, and many of the judge's tender recollections bind him to the locality and the old mill. Not long ago he found recreation in visiting the place, tracing the dimly outlined banks of the tail-race and other remains of a praiseworthy enterprise of the long ago, accredited to his father. His early education was received in the public schools of Greenfield, to which the family removed in his youth. When seventeen years of age he entered Fredericksburg Academy, attending a portion of each year and teaching school in winter, for a period of three years. The war to preserve the Union appealed successfully to his patriotism. August 11, 1861, he enlisted in company I, Fifteenth Ohio Infantry, and proceeded to the front directly with his command. For a short time the regiment was on duty near Bowling Green, Kentucky. In November, only three months after his enlistment, he became seriously ill from exposure and was sent to the general hospital at Louisville, where he remained until the following spring. His recovery was despaired of by the surgeons, and upon a certificate of disability he was discharged from the service and sent home from the hospital. Contrary to expectation, he did recover from that attack, after a confinement at home for more than a year; but as a result of the exposure in camp and field he has been subject to similar attacks at intervals during the last thirty-five years. Upon his first recovery he located in Toledo and served as deputy recorder of Lucas county one year. He was then employed for a year in the office of the Erie Railroad, and in the spring of 1865 he took up the study of law in the office of Bissell & Gorrill, where he spent two years in preparation for admission to the Bar. He was admitted

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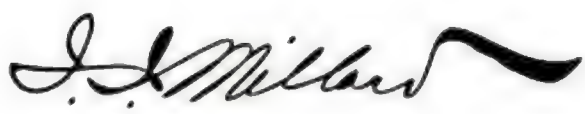

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in the spring of 1867 and immediately became a member of the firm with which he had studied. This connection was maintained for twenty-three years, until the fall of 1890. The firm name Bissell & Gorrill was preserved throughout that long period, notwithstanding the fact that Mr. Gorrill died in California more than twenty years ago. It was dissolved finally upon the death of Mr. Bissell, the senior member, in December, 1894. It was one of the strongest and most successful law firms in northwestern Ohio. All its members, were strong, capable men, well versed in the law and well known in the courts. They had their full proportion of the important litigation in all that section of the State for a quarter of a century. They also had charge of the legal business of the United States Rolling Stock Company for many years. In the fall of 1890 Mr. Millard was elected Probate Judge. He retired from the firm upon his assuming his judicial duties in the spring of 1891. Before the expiration of his first term of three years he was re-elected for a second, and in the fall of 1896 was again elected for a third term by a large majority and in the face of the fact that his party had always theretofore refused to nominate any man for a third term. He is peculiarly adapted to the business and responsibilities imposed upon a probate judge by his official oath. Learned in the law, courtêous and urbane in his business intercourse, observant always of secrecy in the delicate and confidential relations incident to the settlement of estates, entirely trustworthy in the management of large financial interests—he is a model judge. His judicial record is his best eulogy. Judge Millard became a member of Forsyth Post, the first organization in his section of the State, very soon after the society of the Grand Army of the Republic was instituted. Afterwards his membership was transferred to Toledo Post, but his connection with the society has been continuous. He is an Episcopalian and a Republican. His first vote was cast for Lincoln in 1860 and he has followed it up by voting a Republican ticket at every election since that time. He was a member of the party councils and of the managing committee for many years, and chairman of the executive committee a part of the time. He has prudently refrained from partisan activity while on the Bench. He was married in 1863 to Miss Mary C. Keller, a native of Crawford county, a daughter of George and Susan Myers Keller, and a descendant of old families of Maryland and Pennsylvania, who became pioneer settlers in Ohio. Their family comprises four sons and three daughters. One of the eminent judges of Ohio contributes the following. "Judge Millard had many years of law office work and is a careful student of the law and an exceedingly competent lawyer. He is a diffident man of most kindly nature, and it would be difficult to find any one more fully and completely possessed of the qualifications that are called into action in the particular office that he holds. He is perfectly adjusted for it, has a kindly, sympathetic nature, so peculiarly adapted to meeting the emergencies of all occasions, which particularly fits him for the confidential and sympathetic relations that necessarily exist in connection with the Probate Court business."

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HENRY DE H. WAITE, Toledo. The subject of this biography is descended from the families of Waite which for several generations have been honored in New England. His father was a native of Old Lyme, Connecticut, which was also the birthplace of his cousin, late Chief Justice Morrison R. Waite. He was born on Staten Island, New York, November 21, 1855. His parents were Theodore Waite and Sarah Wandell. His father was a merchant and broker of New York City prior to the war, and during that period, attending to business in the city while retaining his residence on the Island. Henry attended school in early boyhood on Staten Island, and later in the public schools of Toledo, where the family settled soon after the war. In 1875 he received an appointment to the National Military Academy at West Point and completed the prescribed course therein. He was graduated with the class of 1879 and the rank of second lieutenant, and was assigned to the Fifth United States Cavalry. Joining his regiment in the West, he served with it on the plains, wherever threatened Indian outbreaks rendered its presence necessary, and in the State of Texas. In 1885 he entered the artillery school at Fort Monroe, Virginia, from which he was graduated two years later. In 1888 he received promotion and remained with the Fifth Cavalry for a year or more as first lieutenant. While in the field with his regiment in the Indian Territory in 1889 he received injuries which necessitated his retirement from the military service, and he was retired with the rank of first lieutenant. As a boy he had entered upon the study of law before his appointment to the Military Academy, and having left the army with an honorable record he resumed his long neglected studies and soon qualified himself for the legal profession. By heredity and inclination he was so nearly a lawyer that little time was required to gain a sufficient knowledge of the books to enable him to pass an examination. He entered the law school of W. C. Sprague while still suffering from injuries and at the same time was prosecuting his studies in the office of Harvey Scribner, Toledo. Thoroughly qualified by knowledge of the principles and familiarity with the standard text-books of the law, and still further equipped by the insight gained through observation and experience by employment in the office of a successful lawyer, he passed the examination before the Supreme Court Committee and was admitted to the Bar in October, 1893. Without any delay he entered into practice as a member of the firm of Scribner, Waite & Wackenheimer. Although he has not been engaged so long in the active practice of the law as many who are younger, yet he enjoys the equivalent of ten years of successful practice in the discipline incident to study in the Military Academy and service in the army; the knowledge that comes of observation and travel; the advantages that spring from high social intercourse, and the maturity of intellect and judgment as a foundation for technical and professional reading. He is, therefore, already a good lawyer. He is fortunate in the possession of broad scholarship and comparative freedom from prejudice. A student of the law alone may acquire that technical knowledge which makes the narrow case lawyer and insures to him a considerable measure of success, but he never attains the breadth of view which

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takes in the philosophy of the law and the underlying principles of jurisprudence. These are reserved for the lawyer whose studies have taken a wider range and who has added to the learning of the schools the knowledge of men and affairs; the culture acquired by travel and observation. Mr. Waite has improved by these advantages. He has visited every section of the United States and almost every State. He has come in contact with a cosmopolitan population. The West with its broad expanse of prairies, its lofty mountains and splendid rivers, is as familiar to him as the alphabet. He has studied human nature in its busy marts and meditated in its solitudes. It has contributed to the breadth of his vision, the depth of his thought and the liberality of his religion. He has the acuteness and the self-poise essential to success in the contentions of the forum; the discernment, discrimination and industry required for the more intricate work of the office.

JAMES KENT HAMILTON, Toledo. Mr. Hamilton was born at Milan, Erie county, Ohio, on May 17, 1839. He is the son of Thomas and Sarah O. Hamilton. His father was an influential and prominent merchant of Ohio, for many years being largely interested in the mercantile and shipping interests of Milan and Toledo. He was an active and prominent Whig, and for some time represented the Erie and Huron county district in the State Senate. James Kent Hamilton, the subject of this sketch, received his early education at Kenyon College, in this State, whence he graduated in 1859. He then taught school for some time, in the meantime studying law, beginning his studies in the office of the Honorable R. C. Hurd at Mount Vernon, and subsequently with the Honorable S. F. Taylor at Milan, and Mr. William Baker in Toledo. He was admitted to the practice of the law in 1862. During the period of his studies he had the common experiences of young men at that time, for he had to support himself by newspaper work, teaching school and other labors. All his feelings were in the Union cause. He was an ardent supporter of President Lincoln, and as the war at this time had assumed such an ominous character as to make very apparent the demand for resolute and vigorous men, he abandoned the Bar, to which he had been so recently admitted, for the wider field of patriotism and duty. He enlisted in the 113th Ohio Volunteer Infantry, and served with this regiment until the close of the war, being promoted to regimental adjutant, and afterward to captain of Company D. With his regiment he participated in all the campaigns of the Army of the Cumberland, and at Chickamauga he served as adjutant general and chief of staff of the brigade commanded by General John G. Mitchell. This brigade was one of the two which, under the immediate command of General Stedman, saved the Army of the Cumberland under General Thomas from annihilation upon the afternoon of September 20, 1863. Captain Hamilton was also in the battles of Missionary Ridge, in the Knoxville Campaign; in the battles of Resaca, Rome, New Hope Church, Kenesaw Mountain, Peach Tree Creek, and in the

engagements in the vicinity of, and at, Atlanta. He marched to the sea with General W. T. Sherman, and afterwards served with his command in the campaigns through the Carolinas to Goldsborough and Richmond. He was in the last battles of the Army of the Cumberland at Averysborough and Bentonville, and participated in the grand review at Washington at the close of the war. Upon his return to Toledo he entered upon the practice of his profession. His qualities as a lawyer soon became known, while his active participation in public and political affairs gave him special prominence and influence. At an early day he was elected prosecuting attorney of the police court, after which he served four years as prosecuting attorney of the county, and subsequently four years more as solicitor for the city of Toledo. In 1887 he was elected mayor of Toledo, and was re-elected by a large majority in 1889 to the same important office. During his first term the agitation and discussion concerning the advisability of the city undertaking the construction of a line to the gas field, to supply the city with gas, became prominent. Mayor Hamilton opposed the adoption of the measure by voice and pen, but it received the approval of over sixty per cent of the vote of the people, and thereupon he entered actively and heartily into the work of carrying out the expressed desire of the citizens, and during his last term led the contest waged with the Standard Oil Company to assure its completion and success, and carry out the wishes and vote of the people. He is a firm believer in the principles of a republican form of government. He filled the executive chair of the city in a very able manner and greatly to the satisfaction of the entire people, each term of his administration being harmonious and popular. Mr. Hamilton is a man of keen foresight, cool, calm and deliberate in his judgment and in his actions. He is never demonstrative, and does not impress one as being what is usually termed enthusiastic. Yet there is about him an earnestness of purpose, a charm of manner and a cordiality of expression that makes him universally popular. As a lawyer he is well read, a judicious counsellor, capable jurist and an effective and eloquent speaker. He is very impressive with a jury and possesses in a remarkable degree the happy faculty of winning the confidence as well as securing the earnest attention of the occupants of the jury box. In politics he is a staunch Republican, and gives his aid in every possible way that he considers conducive to the best interests of that party. Many prominent State and local officials owe much of their success to the assistance they have received from him and particularly to the able and eloquent manner in which he has presented the name of a candidate to a nominating convention. In 1876 he formed a law partnership under the firm name of Hamilton & Ford, which continued until June 1, 1894, when it was terminated by the sudden death of Mr. Ford in Cincinnati. In November, 1895, he entered into the present existing partnership with George P. Kirby, under the style of Hamilton & Kirby, which firm occupies a high and honorable position at the Bar of the State and county. Mr. Hamilton has spent his life in public and in prominence, nearly all of it in Toledo, among old-time neighbors and friends as well as amongst the ever increasing numbers of new

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arrivals, constantly adding to the diversity of opinion and interests incident to a large and rapidly growing city; his kindly nature and high business qualifications have made him very popular with all classes. He is known and recognized as a brave soldier, an enterprising and loyal citizen, a faithful official and a man of sterling integrity and honor. He was married October 13, 1876, to Miss Sibyl Williams, a daughter of Joseph R. Williams, who was for many years very prominent in commercial circles of Ohio and Michigan. Mrs. Hamilton died in 1877.

GEORGE E. SENEY, Tiffin. Judge Seney is the fifth generation in lineal descent from Solomon Seney, who emigrated from England and settled on the eastern shore of Maryland about 1710. For more than a century succeeding that time the descendants of this first emigrant were prominent in public affairs in Maryland, Pennsylvania and New York. And during the latter part of the present century they have been among the conspicuous and able men of Ohio. Captain John Seney, a son of Solomon, was a man active in affairs of his State before the Revolution, serving several times as a representative of Queen Ann county in the Maryland House of Delegates. At the beginning of the Revolution he entered the colonial army with the rank of captain. He received promotion successively as major, lieutenant colonel and colonel of a Maryland regiment. After the war he was again elected, and nine times re-elected, to the House of Delegates. His abilities and activities were directed in behalf of the formation of a Federal Union. He was a member of the Maryland convention to frame a State Constitution. He was also a member of the convention to which was submitted the question of ratifying the Constitution of the United States. His voice and vote, with his whole personal influence, favored such ratification. He enjoyed the distinction incident to membership in the electoral college which chose George Washington a second time for President of the United States. His son, Joshua Seney, who was the grandfather of Judge Seney, of Tiffin, was not less distinguished in the last years of the colony and the first years of the State of Maryland. His fame rests secure in the annals of Maryland. He was elected three times to membership in the House of Delegates, and was a worthy colleague of his father in that stately and patriotic body. He had the honor of being a member of the last Continental Congress, and the first and second Congresses of the United States after the formation of the Federal Union. He accepted a judgeship at Baltimore, which he resigned to make another successful race for Congress. His competitor was Major Hindman, a distinguished Federalist and a senator. It was a memorable contest between two great men truly representative of the Federalist and Democratic parties, respectively. The discussions were animated and argumentative rather than acrimonious. Mr. Seney died after that election before the Congress to which he was chosen assembled. His wife was the daughter of Commodore James Nicholson, one of the very distinguished naval heroes of the Revolution. Another daughter of the commodore married Albert Gallatin, the distinguished statesman of Pennsylvania

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and secretary of the treasury under President Jefferson; a third was the wife of Colonel William Few, who was a member of the convention which framed the Constitution of the United States, and afterward a senator in Congress from the State of Georgia; a fourth was the wife of John Montgomery, of Maryland, then mayor of the city of Baltimore and afterward a representative from that State in the Congress of the United States. Joshua Seney, Jr., was the son of Joshua aforementioned and the grandson of Commodore Nicholson through his mother. He was born on the eastern shore of Maryland, orphaned at the age of four by the sudden death of his father, and taken by his mother to New York to live in the family of her father, the commodore. His education received careful supervision. He pursued the classical course in Columbia College to graduation, and completed the course in the Columbia Law School. At the age of eighteen he filled the delicate and responsible position of private secretary to Albert Gallatin, his uncle, while the latter was a member of Thomas Jefferson's cabinet. It was a most fortunate employment for him, in addition to the opportunity afforded at Washington for contact with the greatest men of the times. The vacation brought him to Gallatin's country seat at Uniontown, Pennsylvania, where he met, loved, courted and married Ann Ebbert, a daughter of George Ebbert, a merchant of the town, and a descendant of a line of merchants of that name prominent in Philadelphia for several generations. Already qualified for the practice of law, he opened an office at Uniontown immediately after marriage and soon established himself as a lawyer. He devoted himself to the profession in the form of private practice, declining the appointment of United States district judge for the Western District of Pennsylvania, tendered him by President Jackson. In 1832 he removed with his young family to Tiffin, Ohio, where he lived twenty-two years. He possessed large natural abilities, with the supplementary advantages of education and culture. He was generous and liberal, a lawyer of unusual capacity but inclined to ease; a politician of rare shrewdness and foresight; generous to aid an aspiring friend, little inclined to seek advancement for himself in politics; and yet he held political office at different times; was clerk of the Supreme Court for several years and treasurer of his county four years. He possessed in a high degree the attributes of a polished gentleman, accustomed to the best society without having learned the practical uses and the value of money in the school of necessity. Judge George Ebbert Seney was the third child and eldest son of Joshua Seney and Ann Ebbert. He was born in Uniontown, Pennsylvania, May 29, 1832, and brought to Ohio by his parents the same year. His father and mother were educated and cultured and he was thus favored with unusual advantages at home. Tiffin was only a village, but the schools were as good as any on the frontier. In these he was prepared for the academic studies which he pursued in the seminary at Norwalk. He spent four years in this seminary when it was enjoying a season of great prosperity and its highest reputation under the presidency of Dr. Edward Thompson, who was afterwards a bishop of the Methodist Episcopal Church. He was thus matured under most beneficial influences of

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the family and the schools. His mother was a beautiful woman, whose life exemplified a high type of Christianity and whose memory is blessed because of her abounding charities and unfailing goodness. At the conclusion of his school life there was a sharp conflict between his inherited tendencies. The mercantile instinct, derived from a long line of successful ancestral merchants, contended with the professional talents transmitted through his father from ancestors distinguished as jurists and statesmen. For a brief period he tried merchandising as the partner of his uncle, George Ebbert, in a book store, and then made arrangements to go into a wholesale dry goods house in St. Louis. It seemed for a time there was more Ebbert than Seney in the assemblage and association of his faculties. His parents were united, however, in the desire that he should be a lawyer, and yielding to their persuasion, he changed his plans and began the study of law in the office of Luther A. Hall, of Tiffin. He entered the office on probation, for the term of three months, at the end of which he was to have the option of continuing in the law, or resuming mercantile pursuits. Fortunately he became enamored of the books the first day and his purpose was formed. From that time to the present his love of the profession has kept his purpose fixed and irrevocable. Assiduous study for two years qualified him for admission to the Bar and he was admitted in 1853. After a partnership of two years with Mr. Hall he established himself alone, and was soon able to meet and cope with the best practitioners in that section of the State. A large clientage and profitable business resulted. He was not long in establishing a reputation as a good lawyer — careful and strong in his pleadings; painstaking in his examination of the law; capable and shrewd in the trial of a cause; able, eloquent and forceful in argument before a jury. At the age of twenty-six he was elected judge of the Court of Common Pleas and served on the Bench a term of five years with satisfaction to litigants and lawyers, and honor to himself. He worked hard and conscientiously. He possessed the qualities which commend a judge — patience and gravity, dignity and courtesy, urbanity in demeanor, a high sense of justice, a desire to be right and the application required for careful research and investigation to ascertain the law applicable to a case. It is an incident worth recording that Judge Morrison R. Waite, of Toledo, afterwards Chief Justice of the Supreme Court of the United States, was the first lawyer to argue a case before him. While on the Bench he grew in popular esteem as a lawyer, and after leaving it his field of practice was much enlarged. He prepared and published Seney's Ohio Code, a work involving large labor as well as much lawyer-like ability and facility of expression in writing. This publication is regarded a valuable aid to lawyers who practice in the State courts. Judge Seney's military record deserves brief mention. He was a War Democrat, uncompromising in his opposition to secession, unswerving in his devotion to the Union. On the expiration of his term as judge he enlisted in the One Hundred and First Ohio Volunteer Infantry, was commissioned first lieutenant and with the assistance of three others recruited a thousand men in thirty-eight days. He was appointed quartermaster and served two and a half

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years in the field — under Commanders Buell, Rosecranz, Thomas and Sherman. He was in the engagements at Perryville, Lancaster, Nashville and Knob Gap, and heard the guns at Stone River. He was with the regiment in the line of his duty at Chickamauga and Chattanooga and Franklin; and with Sherman in his triumphal march from Mission Ridge to Atlanta. He resigned in December, 1864, and resumed the practice of law. No man enjoyed assiduous application more than he in the researches required to solve the knotty problems of the law, and discover the niceties and intricate discriminations in construction. Whether or not he really liked the hard work, usually continued far into the night, there is no questioning the fact that he enjoyed with the keenest zest the triumphs resulting from such work. He prepared his cases with unusual care; studied the evidence so thoroughly as to know just how much to present and the order of its presentation; guarded well all the points in a trial and summed up before the jury in a compact argument the facts and circumstances brought out in evidence, giving a clear exposition of his view of the law when necessary. He has uniformly been a safe counsellor as well as a successful trial lawyer. In all of his intercourse with professional associates he is the very soul and spirit of courtesy—too refined to offend; too much of a gentleman to be rude. During the more active period of his life in the practice of law Judge Seney held himself aloof from active participation in politics—as much as a man of influence and ability in the discussion of public questions who has strong convictions may do. Never an office-seeker, he did not refuse to speak for his party in a political campaign or attend its conventions for the nomination of candidates. In 1856 he was a candidate for Presidential elector on the Democratic ticket, and later declined the appointment as United States district attorney for the Northern District of Ohio, tendered him by President Buchanan. In 1874, in spite of his protest, he was unanimously nominated by his party as a candidate for Congress, but declining to enter the canvass actively, was defeated by a meager plurality of 139 votes. In 1876 he was a delegate to the convention which nominated Samuel J. Tilden for President. He was president of the Democratic State Convention assembled at Cleveland, in July, 1887. In 1882 he accepted a nomination for Congress and was elected by a large majority. He was re-elected by increased majorities in 1884, 1886 and 1888, serving from March, 1883, to March, 1891, and declined to be a candidate for a fifth term. His reputation as a lawyer and jurist gave him standing in the Congress at the opening of his service. He was appointed to membership on the judiciary committee—a marked honor for a new member—and devoted himself to the public interests with the same fidelity which had characterized his devotion to clients or the prosecution of his own business. He performed his duty in committee and on the floor with becoming modesty and dignity. His more noteworthy speeches in Congress were on the following subjects: Presidential Succession, Treasury Surplus, Trade Dollar Redemption, Internal Revenue, Taxation, National Bank Note Circulation, System of Bankruptcy, Against Government Interference in State

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School Systems, Refunding Direct Tax, French Spoliation Claims, Reconstruction of Federal Courts, and our relations with Canada. Twice during his congressional career the press endeavored to make him a candidate for governor, but his consent to be a candidate could never be obtained. He was strongly urged by many prominent men of his party as the compromise candidate for United States Senator, when the contest between the supporters of Senator Pendleton and those opposed to him became bitter. The surprising strength developed by Henry B. Payne, giving him the nomination in caucus on the first ballot, alone prevented the consummation of the plan of the men who favored harmony. Again in 1890 the friends of Judge Seney supported him as the fittest man in the party to represent Ohio in the United States Senate. Leading newspapers favored his candidacy and referred to his high qualifications; but a majority of the caucus voted for Calvin S. Brice on the first ballot. The judge remained a passive spectator of the contest, neither working for his own advancement nor declining the position before it was tendered. It was contrary to the habit of his life and not consistent with his views of propriety to be self-seeking, or engage in an unseemly contest for his own preferment within the party. His serious views of the duties and responsibilities of a public officer are such that he must regard as undignified a personal contest for exalted office, whose incumbent should represent the sentiment and unpurchased support of his constituents. Soon after the close of his fourth and last term in Congress he was one of three commissioners appointed by the secretary of the treasury to represent the government in the location of the public building at Kansas City, Missouri; and later he was appointed by the governor of Ohio a delegate from Ohio to the conference held in Chicago to consider the subject of unlawful trusts. As a citizen Judge Seney has promoted the interests of his town in various ways. Always liberal and public-spirited, his activities have found expression in support of enterprises which advance the material interests. Though not a member of any church, he has aided with his purse in the building of many and contributed unsparingly to the support of public worship. He has been successful in financial affairs and accumulated a competence for himself. He organized the Tiffin Savings Bank in 1890 and has been its president continuously. He also organized the Tiffin Electric Light Company and assisted in the organization of the Tiffin Gas Light Company, and is the president of both corporations.

WILLIAM D. HILL, Defiance. Honorable William D. Hill is descended from brave and patriotic ancestors. His great-grandfathers on both sides were soldiers in the Revolutionary War, and his grandfathers rendered honorable military service in the second war with England—1812. He was born October 1, 1833, in Nelson county, Virginia, the eldest of eleven children, of parents who were both natives of that State. The family emigrated to Ohio when he was sixteen years of age and settled on a farm in Greene county.

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Being the oldest boy, the largest measure of responsibility naturally fell upon him. He had charge of the farm, and managed it until he came of age. During his minority he was able to acquire a common school education, but now that he was free to act for himself he set about the work of improving and enlarging his scholastic attainments. In 1853, having purchased a scholarship, he entered Antioch College, at Yellow Springs, Ohio, then under the presidency of Horace Mann, one of the greatest educators of the age. This institution was the first successful experiment on a gigantic scale of opening a college of the highest grade on equal terms to both sexes. Mr. Hill remained in Antioch as a student three years, supporting himself meanwhile by manual labor of various kinds and by teaching. Politics had a charm for him before he became a voter. He delivered his first public speech from the stump in 1852, when he was only nineteen, as an advocate of the Democratic party and ticket. In 1854 he canvassed Greene county in opposition to the Know-nothing movement, which culminated in the political campaign of that year. Mr. Hill was poor, but independent and self-reliant. He must read the newspapers in order to be informed in current politics, but would not borrow another man's paper. He therefore sawed wood at night to earn money with which to pay his subscription to the *Cincinnati Enquirer*. After he had studied law under the late J. M. Hunt, of Springfield, as preceptor, he ventured into the newspaper business as editor and proprietor of the *Ohio Press*, successor of the *Democratic Expositor*. The venture paid no dividends in cash, but during its continuance of two years the editor made an acquisition of considerable experience—and some debts. He was admitted to the Bar in 1860, and the following year formed the firm of Hill & Snyder. The same year he was elected mayor of Springfield, defeating James L. Torbert, a popular leader of the Republicans, and in face of a strong Republican sentiment. In June, 1863, he removed to Defiance, and the next year canvassed the congressional district in behalf of General Americus V. Rice, the Democratic candidate, whose illness confined him to his home. This campaign, against the late Governor J. M. Ashley, brought him into political prominence at once. In 1865 he was elected to the State legislature as the Democratic candidate, overcoming a large adverse vote and securing a majority above two hundred. In 1867 he was re-elected, and in 1869 he made a general canvass of neighboring counties, by invitation of the State committee. He rendered effective service on the stump in the gubernatorial campaigns of 1871 and 1873, and rejoiced in the election of his old friend William Allen to the office of governor in 1873. In 1875 Governor Allen appointed him superintendent of insurance in the State. The appointment was made without solicitation on his part, and against powerful interests and influences in favor of other candidates. He declined a reappointment after serving in that office three years. July 4, 1878, Mr Hill was nominated as the Democratic candidate for Congress in the Sixth District, and in October following was elected. In 1882 he was again nominated and elected over the Republican candidate, Colonel J. H. Bingham, a strong and

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popular man, especially influential among the farmers of the State Grange. In this election his majority was seven hundred and fifty-four, and the gain over his party's ticket more than five hundred votes. The district had given a Republican majority of nine hundred and eighteen the previous year. He was re-elected in 1884, so that his service as a member of Congress covered a period of six years. In 1880 he was a delegate to the National Democratic Convention that nominated General Hancock for President. Mr. Hill continued the practice of law at Defiance until 1891, when impaired health occasioned the experiment of a change of climate. For the succeeding four years he remained in Montana, engaged in the business of his profession, and in 1895 returned to his home in Defiance and soon afterwards formed a partnership with Judge Henry C. Baker. His large abilities, broad knowledge of the law and varied experiences in public life; his acquaintance with men and affairs, added to the discriminating insight into human nature which comes of close observation and familiar study, are among the sources of his power with a jury. He is both capable and successful in general practice. Mr. Hill was married June 3, 1862, to Augusta B. March, whose mother was one of the young girls of Camden, South Carolina, that strewed the path of General La Fayette with flowers on the occasion of his visit to the town in 1824; whose father, Thomas C. March, a native of Maine, went to Alabama at the age of nineteen, engaged in business at the South and accumulated a fortune, remaining there until about 1858, when, foreseeing a probable rupture between the sections, he came north with his family. To Mr. and Mrs. Hill four daughters have been born: Alice L., April 5, 1863; Anna E., November 8, 1866; Mary V., June 3, 1870; Mattie T., October 8, 1873. One of the ablest and best known judges of the State furnishes this characterization:

"While to the people of the State at large he is known as Honorable William D. Hill, to his personal friends and acquaintances of northwestern Ohio he is best known as 'Bill Hill.' Few men in the State had better capacity for generating warm personal attachments or making loyal, devoted friends. It would be false flattery to say of him as a lawyer that he is a patient or industrious student of that science. His strength is in his boundless fund of good sense; his acute judgment of men; the alertness of his almost faultless perception. The following incidents, all of which came within the personal observation of the writer, will best illustrate his characteristics. He was once called to assist in the prosecution of a civil damage case against a wealthy but high tempered and rather pugnacious farmer, who was charged with a vicious assault upon a neighbor with whom he had quarreled, and for whose approach he had waited on the highway on the occasion of the assault, first placing himself in a decidedly belligerent attitude. Three able lawyers were enlisted in his defense. The contest was spirited. Self-defense was the issue. Some questionable testimony gave a show of plausibility to this theory. Hill closed the argument for the plaintiff. He began: 'Gentlemen of the Jury: When you see an old fighter get out of his wagon on the highway, take off his coat, vest and collar, roll up his sleeves, tie his suspenders around his waist, and wait with fists doubled for his adversary to walk a quarter of a mile to come up with him, you can just bet your life it is a clear case of self-defense.' The startling sentence left the gifted advocate in possession of the field, and the result was a good round verdict for the plaintiff.

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"The size of Hill's heart may be gauged by the following incident: A prisoner was charged with forgery. His almost heart-broken wife and five ragged children were in court. The evidence was circumstantial. The trial was one of exciting interest. Hill's sympathies were deeply enlisted. His argument to the jury was simply irresistible. A prompt verdict of 'not guilty' resulted. The tearful wife, almost insane with joy and gratitude, called Hill to the railing which inclosed the bar, unfolded a clean white rag, took from it $10 in small change (perhaps the savings of months), and with the promise of more was about to pour it into his hand when, in his blunt way, he said to her: 'I'll not touch a cent of that money. Take it and buy some clothes for these poor ragged children,' and turned away. Major McKinley, now President-elect, once went to Defiance to defend the son of one of his influential neighbors of Stark county against a charge of robbery and larceny. He had the defense well prepared, but did not care, as he said, to tackle a strange jury. His relations with Hill were pleasant. They were colleagues in the National House of Representatives. He applied to Hill to take charge of the case. Of course he accepted the delicate trust, which enlisted his best efforts. During Hill's argument, which was one of the finest he ever made, the prosecuting attorney interrupted him to read some proposition out of a law book. Hill's silencing comment was: 'Well! Greeley would say of that proposition, it is surely absurd enough to be good law,' and proceeded. The Major was a happy and grateful man when the verdict of not guilty was returned. Upon the trial of an alimony case, Hill had occasion to ask the defendant, a plain but eccentric and rather irritable man: 'You have not lived very pleasantly with your wife for a number of years, have you?' The rather vigorous answer was: 'That's a lie! Me and my woman has lived together forty year and she never give me a cross word. What do you think of that?' With characteristic promptness Hill replied: 'I think that either you're an old liar or she's an old fool.' Hill was once dealing with some figures during his argument, when opposing counsel interrupted to say with some spirit: 'Oh, that's mere jugglery of figures. I learned that at school when I was a boy.' Hill retorted: 'The gentleman's advantages have been superior to mine. I never attended a jugglery school in my life.' Hill's greatest strength as an advocate is found in the peculiar tact he employs in dealing with his subject from the stand-point of plain men—from the common view of things. No jury or court is ever in doubt as to what Hill means by what he says. He is an absolute stranger to all professional trickery, and his dealings with his clients, as with opposing counsel, are always frank and fair. His scent for fraud and double dealing is keen and infallible, and bad luck to the sycophant or the sham that stands in his way. Perhaps Hill's crowning accomplishment as a lawyer is found in the philosophy, resignation and entire good nature with which he accepts defeat at the hands of court or jury."

WILLIAM H. HUBBARD, Defiance. William H. Hubbard, judge of the Court of Common Pleas of the second subdivision of the Third Judicial District, residing at Defiance, is a native of Connecticut. His parents were Edward C. and Sarah Humphreys Hubbard, both of whom were mainly of English descent, although having some strains of French and Irish blood. The ancestors of our subject settled in Connecticut more than three centuries ago, and there their descendants continued to reside until his parents removed

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Wm H. Hubbard

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to the Western Reserve in Ohio, in 1856. N. Hubbard, the great-grandfather of our subject, was paymaster and quartermaster-general of the Connecticut troops in the Revolutionary War. Later he was a member of the Western Reserve Land Company, and made frequent visits to the Territory of Ohio in the interest of the company. He was also a maritime merchant whose ships were employed in trade with the West Indies. The ancestors of Judge Hubbard's mother were also prominent in public affairs and in the war of the Revolution. The sword of her maternal grandfather, still in the possession of our subject, tells of that unequal contest and testifies to the bravery of the wearer, in the inscriptions engraved thereon. Colonel David Humphreys, his mother's paternal great-uncle, served on the staff of General Putnam, and afterwards on that of General Washington; and, after the latter became President, he acted as major domo of the executive mansion. The warm personal friendship between him and General Washington continued to the death of the latter. Colonel Humphreys was also minister from this country to Spain and Portugal. Both General Hubbard and Colonel Humphreys were original members of the order of the Cincinnati. William H. Hubbard was born at Middletown, Connecticut, April 13, 1850. When he was six years of age his parents removed to Ashtabula, Ohio, where his father continued to reside until his death, in 1893. His mother, brothers and sisters all remain in Ashtabula. His early education was obtained in the common schools, but, from the time he was nine years old until he entered the practical school of life, he was fortunate in being under the private tuition of the Rev. James Bonner, B. D., of Edinburgh University, Scotland; to whose skillful and loving training he ascribes in a large degree his powers of thought and analytical reasoning, as well as his love of study and of the best literature. He graduated at Eastman's Business College, in 1866, and became an accountant and book-keeper. In 1870 he was book-keeper and assistant paymaster for the contractors who built the Ashtabula & Jamestown Railroad, now part of the Lake Shore system. While employed with these various duties he was devoting his leisure time to the study of law, concluding his studies in the office of Sherman & Hall, Ashtabula. He was examined and admitted to the Bar by the Supreme Court, at the term of January, 1871. In 1873 he was admitted to the Bar of the United States Courts for the Northern District of Ohio. And later, on motion of ex-Senator Edmunds of Vermont, he was admitted to practice in the Supreme Court of the United States. He began practice at Ashtabula, and continued there until 1880. In 1881 he located at Napoleon, Ohio, and practiced there until he removed to Defiance, in July, 1885, where he formed a partnership with the Honorable W. D. Hill, then member of Congress from the Sixth District of Ohio, and one of the foremost lawyers of northwestern Ohio. This association continued until 1892, when Mr. Hill removed temporarily to Montana. After practicing alone for about a year, Mr. Hubbard took into partnership with him Mr. J. H. Hockman, the firm being styled Hubbard & Hockman. This partnership continued until November, 1896, when it was dissolved by the election of Mr. Hubbard to the Common Pleas judgeship,

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which he now holds, and the simultaneous election of Mr. Hockman to the office of Probate Judge of Defiance county. Judge Hubbard's subdivision comprises the counties of Williams, Defiance and Paulding. As a lawyer, Judge Hubbard has always been regarded as among the very best. He has been eminently successful as a trial lawyer, and is a most excellent advocate, possessing alike the power of making clear-cut statements of the law to the court and great eloquence in the argument of his case to the jury, while never neglecting the facts of his case. A well-known judge responds to our inquiry for information, as follows:

"I know William H. Hubbard, of Defiance, well. He practiced before me when I was on the Bench, and I have practiced with and against him, since. He is a man of unusual mental powers and legal ability. He has a wonderful knowledge of legal principles. His first inquiry is always as to what the law ought to be in any given case, and having determined this to his own satisfaction, he rarely fails to produce an abundance of authority to demonstrate that such is the law. He is a man of genial manners, a very courtly and courteous gentleman."

Judge Hubbard is making a most excellent judge, and the Bar of his district, wherever he has held court, are warm in their expressions of their high opinion of his ability, integrity, impartiality and fearlessness. In politics Judge Hubbard is a Democrat, but of late years, on account of the exactions of his practice, he has not taken an active part, beyond responding to some of the calls made on him for speeches in his own vicinity, during the fall campaigns. In his family relations he is most happy. He was married at a very early age, but his first wife lived only a short time. In 1881 he was married to Miss Mary Moore, daughter of Rev. James Moore, D. D., the Episcopal clergyman at Oberlin, Ohio, but since deceased. The reverend doctor was a native of Baltimore, Maryland, and Mrs. Hubbard was born there. They have now three children, two daughters and one son, namely: Lucy Margaret, aged fourteen years; Edward Moore, aged twelve; and Clara Nannie, aged ten years.

SIDNEY EDGERTON, Akron. Ex-Governor Edgerton has for more than half a century been a resident of the progressive and prosperous city which is still his home. He was born at Cazenovia, Madison county, New York, August 17, 1818, and obliged to take care of himself from the time he was eight years of age. His father, Amos Edgerton, a gentleman of ability and scholarship, a teacher by profession, had the misfortune to lose his sight some years before death and died when our subject was an infant of six months. His mother, Zervia Graham, a native of Connecticut, a lady of refinement, left without means of supporting her children as she could have desired, removed to Ontario county and lived until he was twenty-eight years old. At the age of eight he went to live with a farmer named Darling, where he remained a year or two and then drifted to other places until he was twelve. From that time until he reached the age of sixteen he attended the district school in

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winter and worked on a farm in summer. He then engaged with his brother, who was a carpenter and joiner, with a view to learning that trade. After a fair trial it became evident that he had no mechanical genius and little skill in handicraft of any kind. He was frankly told by his brother that a boy who thought more of books and papers than he did of tools would never make a good carpenter; and he was advised to give it up. His expenses for one year in the Lima Seminary were paid by his brother, and after that he paid his own expenses by teaching until he had spent four years in this excellent school. Indeed his time was all occupied in study and teaching until he was twenty-four years of age. In the spring of 1844 he located in Akron and taught for a short time in the academy at Tallmadge. Through all the years from childhood he had felt a strong predilection for the law. It was in his mind long before he undertook to learn the carpenter's trade, and sadly interfered with his sawing to a line or making a square mortise. He was present in a justice's court during the trial of a suit at law when a very young boy, and was fascinated by the contention and evident learning of the lawyers. His yearning to become as one of them accounted for his fondness for books and his unskillful handling of carpenter's tools. He had already managed to read some of the text-books in law, and now at the age of twenty-six he entered the Cincinnati Law School with a fixed purpose, mature enough to know the meaning and the necessity of application; courageous enough to make any sacrifice required to accomplish his heart's desire. He was the class-mate and companion of Richard A. Harrison of Columbus, an earnest student some years his junior, now one of the ablest lawyers in Ohio, as well as one of the best men. The two were animated by the same lofty ambition and sustained by the same unfaltering purpose. It is not surprising, therefore, that they were the first in a class of seventy-five to receive their certificates of graduation, while fifty of the number failed utterly. Mr. Edgerton began practice at Akron and at various times formed partnerships which covered indefinite periods. His first was with Daniel S. Lee, which continued only one year. His second was with Judge Van R. Humphrey and W. H. Upson, which continued, at least with Judge Upson, about eight years. His nephew, Wilbur F. Sanders, the late United States Senator for Montana, then became associated with him in a partnership which continued until he removed to the West. For twelve years he was in partnership with Jacob Kohler, beginning in 1866. He was interested in politics from the time he left the Law School and was ever guided by the convictions of a strong character. He did not hesitate to declare himself a free-soiler and was a member of the convention in 1848 which gave birth to that party. He was also a member of the Pittsburg convention which organized the National Republican party. For fifteen years in the prime of life he held public office. In 1852 and again in 1854 he was elected prosecuting attorney, serving four years. During his first term he prosecuted successfully a celebrated murder case—The State of Ohio vs. Parks. The accused was convicted, and secured a new trial. The case was taken to Cuyahoga county on change of venue, where the prisoner was again convicted, sentenced

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and hung. It was the first execution in the county. In 1858, and again in 1860, he was elected to Congress, serving until March 4, 1863, during a most exciting period of the country's history. At the close of his second term he was appointed Chief Justice of the Territory of Idaho, by President Lincoln. Judge Edgerton recounts the incidents of his trip to the far West and his official residence there in a very entertaining style. The journey was made across the plains from the Missouri river with ox teams. The party consisted of the judge's family, W. F. Sanders, late United States senator, Miss Darling and Miss Geer, and five men. The time occupied was three months and a day, and the route lay along the old California trail to South Pass, the Landee Cutoff to Snake river; thence following up the river fifty miles to a ford and thence, after crossing, westward to Bannock, the territorial capital. The hunting was good, so that the emigrants feasted on antelope and prairie chickens. The ladies, however, had some difficulty in making appetizing or even palatable chicken-pie out of a sage hen. Nature and association impart to the fowl a very pronounced flavor of its name, and the seasoning is too high for a "tenderfoot." It was September when the party arrived at Bannock. The Territory of Idaho was then almost interminable, including the whole of Montana, and the journey from one border to the other would have occupied a year. Fortunately for the judge, there were no laws to be construed but "miners' law," and no marshal to execute the orders of the court. Hence no sessions of court were held. The population was composed of miners and saloon keepers, with the customary aggregation of sports and dance hall habitues that flock to a prosperous mining camp, including a small percentage of good people for salt. After spending about four months in the study of geography and political economy, Judge Edgerton made a trip to Washington to secure a division of the Territory, going on horseback to Salt Lake, thence by stage to the Missouri river. He had friends and influential acquaintances among the old members of Congress, and his mission was successful. Montana was carved out of Idaho, leaving an empire whose limits he might explore judicially. On the return trip, when he reached Salt Lake, he first learned that he was appointed governor of Montana by President Lincoln. He raised the stars and stripes on the executive residence at Bannock—probably the first specimen of his country's flag ever seen in the Territory. The inhabitants sympathized with the Rebellion, and the tough element in various ways manifested its disapproval of the emblem of Union and authority. The governor was firm and the flag continued to wave. The first territorial legislature was held in 1864 and, in the language of the governor, was opposed to him "politically, socially and morally." The proceedings were lively and sometimes the atmosphere was squally; but the governor exercised his prerogatives freely and fearlessly, vetoing obnoxious bills and defeating many objectionable schemes. The government continued to operate smoothly until the autumn of 1866, when he came East for the purpose of placing some of his children in school. It was at the time President Johnson was making his notorious "Swing around the Circle," and Governor Edgerton was not oblivious of the fact that the

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Isaac White

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President had become a valiant headsman. He therefore tendered his resignation in February, 1867, to save the axman trouble, but it was not accepted until July. He resumed the practice of law in Akron, with a broader vision and a wealth of experience acquired in the West. His prominence at the Bar and in public life has given him employment as counsel in many of the noteworthy cases tried in the county. Governor Edgerton is a broad-minded, generous-hearted man. He has always entertained liberal, progressive views, and advocated the policies which in his judgment were for the betterment of the human race. His sentiment and influence have been against oppression and wrong. He has always been an earnest man, with a strong sense of duty and the moral courage sufficient for any occasion. In the calmness of his evening he is gracefully and quietly retiring from the hurly-burly of professional engagements, to enjoy in their fullness the love of his children, the gratitude and respect of his fellow men. He was married in May, 1849, to Miss Mary Wright. Four sons and five daughters were born of the marriage. One son and all of the daughters are still living: Wright Prescott Edgerton, graduate of the Military Academy at West Point and professor of mathematics in the same; Martha E. Plossman, editor and manager of the "Great Falls Leader" of Montana; Idaho E. Buckingham, wife of George Buckingham of Akron; Pauline Edgerton, city librarian of Akron; Ione and Nina, at home. His wife died in 1883, but his sunset will be gilded by the love of his kind.

WARREN P. NOBLE, Tiffin. Honorable Warren P. Noble is of English descent through the lineage of his father, with a strain of Irish blood transmitted from his maternal grandfather. His father, William Noble, was a native of Connecticut, which had been the place of residence for several generations of his ancestors. He emigrated to Pennsylvania when a young man and settled near Berwick, then in Luzerne, but now in Columbiana county. Here he courted and married Miss Rebecca Lytle, a native of that place, whose ancestors on her mother's side had resided there for several generations, and whose father, Thomas Lytle, was a native of Ireland. The subject of this biography was one of the ten children of William and Rebecca (Lytle) Noble. He was born near the said town of Berwick, June 14, 1820. The stock from which he sprang was eminently brave and patriotic—the stuff out of which enterprising pioneers are made. His maternal grandmother was one of the sufferers, and barely escaped being a victim of the Wyoming massacre in 1778, saving herself and family from the fury of the savages by fleeing to a stockhouse. His father was a volunteer for the War of 1812, but hostilities soon after ceased and he never was sent to the front, but continued for years after the close of the war one of the Connecticut settlers of the Wyoming valley in Pennsylvania. The family afterwards moved to Ohio when Warren P. was an infant, locating for a time in Wayne county; going thence to Medina and finally settling in Seneca for a permanent residence. William Noble

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learned the trade of a millwright, and was engaged in building mills both in Pennsylvania and Ohio for many years. He lived to a good old age and employed his time usefully, dying at his home near Fostoria, Ohio, in 1864, aged eighty-one years. The companion of his youth died in 1872, at the age of seventy-one years. Warren P. Noble attended the public schools of Wayne, Medina and Seneca counties until eighteen years old. He then entered the Wadsworth Academy, which was under the supervision of John McGregor, one of the ablest educators of the time in Ohio—a man who so impressed the minds and hearts of his pupils that forty years after his death they perpetuated his memory by a marble statue, chiseled in Italy and reared and unveiled at Wadsworth, Ohio. He remained in this school two years, and supported himself by teaching in the public schools during the winter months. Among the most pleasurable recollections of his early life is the school at Fostoria, of which he was the principal in 1840 and 1841. Several of the boys under his instruction in that school have since become men of great prominence in the professions and in politics. Among the latter it is proper to mention Honorable Charles Foster, congressman, governor and secretary of the treasury. From his youth Mr. Noble was a lover of books and applied himself with persistent diligence to reading and study. He was a thoughtful, careful, discriminating reader, determined to appropriate and assimilate all that he read. While engaged in teaching he took up the study of law and pursued it with a purpose and persistency which may always be relied on to win. He set about it with all the vigor of his intellect, gaining a considerable insight into the principles before abandoning that stepping-stone profession which furnished the expense money for such period as might be necessary to occupy entirely with the work of preparation, before he could secure any revenue from his life profession. In February, 1842, he removed to Tiffin and continued his study of the law in the office of Rawson & Pennington, where the late General William H. Gibson, of the silver tongue, was his fellow-student. He was admitted to the Bar July 4, 1843, and at once entered upon a practice which has been continuous save for the interruption of public service. In 1846, as soon as he reached the eligible age, prescribed in the Constitution, he was elected to the State legislature. Two years later he was re-elected, serving two terms. In 1851 he was elected prosecuting attorney; but resigned the office after serving three years. A few years after the opening of his practice, he formed a partnership with his brother, the late Judge Harrison Noble, who had studied with him, which was continued about a quarter of a century. They then took into the firm as a partner Nelson B. Lutes, one of their students, and continued the practice under the firm name of "Noble Brothers & Lutes," for a couple of years; when, by mutual agreement, this firm was divided, leaving the subject of this sketch to pursue the practice alone. Afterwards, about the year 1876, he formed another partnership with Perry M. Adams, a very bright and promising young lawyer, who had been a student in his office. And this association was dissolved only by the death of Mr. Adams, whilst serving as president *pro tem.* of the Ohio State Senate, in 1891.

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On the death of Mr. Adams he formed another partnership with his son, Warren F. Noble, and Guilford B. Keppel, under the firm name of Noble, Keppel & Noble, with the understanding that as soon as the business on hand was closed up, Mr. Noble would retire. This partnership is still nominally continued, but to use his own phrase, Mr. Noble is "endeavoring to slide out." These are the only partnerships entered into by Mr. Noble during his long career at the Bar. In 1860 he was elected to Congress on the Democratic ticket, and his service in that body during the critical period of the Nation's history was alike honorable to himself and satisfactory to his constituents. He was a War Democrat, supporting with heartiness and vigor the measures adopted for the enforcement of law and the suppression of rebellion. The restoration of the Union was placed above temporary expedients and every other consideration. On that proposition he supported the administration of Abraham Lincoln as sincerely as if the government had been administered, and the laws executed, by a member of his own party. He recognized the broad distinction between patriots and the enemies of the Nation, and allied himself with all who placed patriotism above partisanship, and recognized no other political allegiance in the discharge of his official duties during the time of greatest peril. His course was approved by the Union soldiers and a large majority of the electors of his district, so that he was re-elected in 1862, in spite of the fact that the State had been considerably gerrymandered in the meantime, by which Republican counties had been annexed to his district and Democratic counties cut off. His majority in the second race was twelve hundred. His constant efforts in behalf of the soldiers and regard for their interests commended him to their suffrage. His service in Congress covered almost the whole period of the Civil War, as it began March 4, 1861, a month before the firing upon Sumter, and ended March 4, 1865, little more than a month before the surrender of Lee. Among the intellectual giants in the House of Representatives were James G. Blaine, Roscoe Conkling, George H. Pendleton, William Windom, James A. Garfield and Thaddeus Stevens, with the latter of whom he served on a committee for four years, in the meantime securing and retaining Mr. Stevens's warm friendship. The issue of war tested the strength of the government and the principles of men, and the man who exhibited in his public acts the breadth of statesmanship rather than the narrowness of partisanism was prepared to render an account of his stewardship to his constituents without a shameful blush or plague of conscience. Mr. Noble retired from Congress with an excellent reputation and resumed the practice of the law, which has occupied his time and in which he has been successful by virtue of application and persistent determination. Much of the important litigation in the courts of his circuit has been directed by his painstaking care. Many of the decisions of the Appellate Courts bear the impress of his patient investigation and logical argument. He has arrived at an estate when it is possible to take *otium cum dignitate*. He has invested some of his accumulations in public enterprises, and has united himself with certain orders that teach and practice benevolence. In Masonry he is a Knight Templar, and he is also an

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Independent Odd Fellow. During his professional career, Mr. Noble has also served in many positions of trust and confidence. He was one of the directors of the Tiffin, Toledo & Eastern Railroad from its organization until this branch was completed and turned over to the Pennsylvania system. He was a member of the board of trustees of the Ohio State University for about ten years next after that board was first organized, and took an active part in all its business affairs—having been elected president of that board, at least twice, whilst a majority of the board were Republican in politics. He has served on the board of education of his own city for more than twenty years. And for about fifteen years he was president of the Commercial Bank of Tiffin, and is still its vice-president. He has been the preceptor of many young men now successfully practicing in different parts of the country, and about one-half of the most active and successful lawyers now in his own city have received their legal education in his office—two of whom have received judicial honors. And the first lady lawyer ever admitted to the Bar in Ohio read under his tuition and received her certificate for examination at his hands, namely, Mrs. Nettie C. Lutes, now the wife of Nelson B. Lutes, another of his students; and who, by the way, is now one of the most able and successful lawyers in northwestern Ohio, though laboring for many years under a difficulty that would seem to most men insurmountable. He is and has been for the greatest part of his professional life so completely deaf as to be unable to hear the articulation of his own voice, or to even hear the loudest thunder; yet by the aid of his ambitious wife, who for that purpose, with him, studied the art of communicating by the motions of the mouth and lips, so that she could sit by and hear the questions put to a witness and the answers given, and by this art readily communicate to him all such questions, answers, and, in fact, everything else necessary for him to know, he was enabled to properly conduct his case. Whilst all this requires great patience and perseverance as well as hard labor on the part of both Mr. and Mrs. Lutes, yet one who has never seen it would be astonished to see with what facility it is accomplished by these two persons. The remarkable success of these parties, under the circumstances, deserves a more extended notice than it is proper to insert here. A prominent lawyer, than whom no one now living knows the subject better, writes of Mr. Noble as follows:

"When I first knew Mr. Noble, he had, perhaps, already reached the zenith of his power as a lawyer, and now after twenty-seven years of the closest professional and social relations with him, I feel as well qualified to speak of his qualities—the man, the citizen, and the lawyer—as any man now living. In presence, he is one of God's masterpieces; calm, dignified and majestic, he moves among his fellow-lawyers of the Bar, his fellow-men in the different walks of life, with an ease and dignity, a conscious superiority of demeanor, never intrusive, but always pleasant, that commands the respectful admiration of every one. As a citizen and public servant occupying positions of the highest honor and trust, his life has been irreproachable; as a friend, he is incomparable. But as a lawyer I have known him best. He may well be styled a self-made man. We first meet Warren P. Noble entirely self-dependent and unaided, at a time

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in our history when opportunities for education and advancement were very limited, and almost unattainable to the young man unaided by wealth or influential friends, but nothing daunted, we see him, a young man of eighteen summers, entering upon this grand study of his life's work with an earnest determination, an untiring industry, an unconquerable zeal and energy, joined to unlimited patience, for well did he realize that 'the treasures of wisdom are not to be seized with a violent hand, but to be earned by persevering labor.' Nurtured by such qualities as these found in the boy-student, lay in embryo the future of one of the foremost figures of the Ohio Bar; a man of comprehensive intellect, broad views and sound judgment, to all of which is united a conservative nature which is ever guarding against any radical movement, fully recognizing that 'to command any subject adequately we must stand above it,' and not be carried away with it, thus keeping the master hand on the rudder. Such was Warren P. Noble when I first met him, and such are the qualities of the man to-day. The habits of his professional life, like those of his student life, have been of unceasing industry and unconquerable energy. His method of preparing his cases was always most thorough, and is undoubtedly one of the chief causes of his remarkable success. As has been said of Rufus Choate, 'he was never content until everything which might by any possibility bear upon the case, had been carefully investigated, and this investigation brought down to the last moment before trial,' and his briefs, always full and comprehensive, could never be said to be finished until the question in controversy had been settled by the judgment of the court; and if not settled to his satisfaction in the trial court, by the judgment of the court of last resort. Thus equipped, he enters upon the trial of his cases with a conscious power, which, united with his magnificent presence and dignified courtesy, makes him an antagonist of great force to meet and combat, step by step, every seeming vantage ground of his opponent, and the diligence of his research and preparation is always very apparent as the trial progresses. Fully understanding his case and knowing the points upon which it must turn for or against him, he is never off his guard, while assailing the weakest points of his adversary's case with the force of a battering ram, with all of his forces, of evidence and argument, marshalled with such skill as to be delivered with most telling effect, to convince the court and jury that he is entitled to the verdict or judgment for which he contends. Mr. Noble's argument is of the sledge-hammer style. In this respect he resembles the late Allen G. Thurman in a marked degree. Employing none of the arts and tricks of oratory, he is eloquent in the clearness of his statement, the broad common sense of his reasoning, the force of his logic and the earnestness and power of his utterance, and his argument always commands the most respectful attention, and carries with it a depth and weight of most convincing power. And now, after more than fifty years of active practice, we see in Mr. Noble's life an inspiration and noble example for the young members of the Bar; his life has been one of great demand and activity, honored among men in a remarkable degree, and he will take his place in the history of the Ohio Bar, which has furnished so many legal giants, as one of the foremost lawyers of the State, of whom her Bench and Bar may justly be proud."

HENRY H. GREER, Mount Vernon. Henry Harrison Greer was born in Knox county, Ohio, July 22, 1837. His father, Alexander Greer, a native of Washington county, Pennsylvania, born in 1805, came to Ohio when five years old, and was one of the earliest settlers in Union township, Knox county, removing to Jefferson township a few years later. His grandfather, Colonel John Greer, was one of the three children of Alexander Greer, a native of County Antrim, Ireland, who emigrated to America in 1785 and settled in Maryland. Henry Harrison Greer sprang from sturdy pioneer stock and inherited patriotic Irish blood. His early days were occupied with work on the farm and in the common schools. His scholastic education was acquired in the schools at Millwood and Haysville, and in Dennison University. His course of reading in the law was begun in the office of Messrs. Delano, Sapp & Smith, and upon the dissolution of that firm it was completed with Walter H. Smith. He was admitted to the Bar in May, 1860. Instead of opening an office for practice he became the principal deputy in the office of his father, who was at that time treasurer of Knox county. The following year he was nominated by the Republicans and elected to succeed his father as county treasurer, and held the office until 1864. Declining a renomination, he formed a partnership for the practice of law with Honorable W. R. Sapp in 1865, with whom he continued until April, 1869. At that time he succeeded to the practice and law office of Honorable W. H. Smith, upon the latter's acceptance of the solicitorship of the bureau of internal revenue, in the treasury department, to which he was appointed by President Grant, and from which he was promoted to the position of assistant attorney-general. Having fortunately acquired a good business while yet a young practitioner, Mr. Greer held it and continued the practice alone until 1889, when his son, Robert M. Greer, was received into partnership with him. Robert was graduated from Kenyon College at the age of twenty; read law with his father, was admitted to the Bar in June, 1889, and immediately thereafter became a member of the firm of H. H. & R. M. Greer, a style then adopted and still preserved. Mr. Henry H. Greer has made his reputation as a lawyer in practice at the Bar and in the preparation of opinions while holding official positions. As a counsellor he stands pre-eminent in the estimation of the local Bar, in the disposition and management of really large and important affairs. Well informed in the law, he is further fortified by quick and clear perception of the points involved in a controversy, a mental grasp that comprehends all details, and a capacity for reasoning that enables him to arrive at correct conclusions. In matters appertaining to the administration and settlement of large estates, the adjustment of conflicting interests requiring tact and diplomacy as well as legal knowledge, he is employed most frequently. For a good many years Mr. Greer has been intimately connected with affairs of the community demanding enterprise and public spirit. He has also given much attention to business and corporation matters. In 1888 he accepted the position of secretary and treasurer of the Knox county Mutual Fire Insurance Company, which is the oldest mutual company in Ohio. Its incorporators were men of great promi-

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H. H. Greer

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nence, high commercial standing and personal responsibility, among whom it is proper to mention Honorable Columbus Delano, who in his life was the peer of the ablest men in the State. This company, under the careful and shrewd management of the secretary, has been successful as a corporation and gained wide popularity by its promptness in paying losses. Unusually liberal in the treatment of patrons by accepting a small percentage rate for insurance, the company has paid losses aggregating a million dollars. Regarding it as a foster child, Mr. Greer has guarded and protected and promoted its interests, without in the least neglecting his law business or other duties. For the last eight years he has served as a member of the board of trustees of Columbus State Hospital, receiving appointment from three governors. The estimated value of his official services is fairly inferable from this circumstance. He has not been a candidate for political office and has even refused to stand for nomination for the judicial office. He had formidable and influential backing for appointment to the high and honorable position of judge of the United States Circuit Court of Appeals. His name was considered by President Harrison at the request of men of great prominence in the party and the profession, both in central Ohio and Cleveland. Among those who visited Washington and called upon the President in his behalf was the late Columbus Delano. Although candidates for the place were numerous, he was second only to Judge Taft in the favor of the appointing power, and second to none in qualifications and endorsements. He has always been connected with the Republican party and has long been a trusted adviser in its councils. Whatever he has done to direct political policy or to promote partisan success had not its inspiration in self-interest, but in the conviction that the policy of the party to which he belongs would better conserve the interests of the people. He has been absolutely free from political ambition in a personal sense. A native of the county which has been his home during all the sixty years of his life, Mr. Greer has become identified with the people and the welfare of the community. His life has been open and more than ordinarily prominent. He is known to his fellow citizens, and his reputation is safe in their hands. He is of good report among them. If any antagonisms have been aroused, they are only such as a man of force and activity is liable to encounter in the performance of his duty. He is a leader in the affairs of the municipality, and relied upon as the friend and champion of policies and measures best adapted to the wants of a progressive community. His daily life illustrates the spirit of Christianity, without the badge of public profession or church membership. He is charitable, hospitable, kind and true-hearted. He has a secure place in the confidence and the affection of his neighbors, as well as an honorable position in his profession.

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WILLIAM H. GIBSON, late of Tiffin. William Harvey Gibson was born in Jefferson county, Ohio, May 16, 1821. His father, John Gibson, was of Scotch-Irish lineage, and his mother, Jeanette Coe, was a native of Washington county, Pennsylvania, and the daughter of Sarah and Moses Coe. His grandfather, a native of England, settled in Scott county, Kentucky, where he died during the boyhood of his son John, who was afterwards apprenticed to learn the carpenter's trade. The latter, after acquiring his trade under the apprenticeship, drifted to western Pennsylvania and thence to Ohio, where he was married with Miss Coe. The farm which he owned and occupied for some time near Steubenville is now used for the Infirmary of Jefferson county. William H. Gibson was the tenth in a family of eleven children, five girls and six boys. When he was five months old the family removed to Seneca county and entered a tract of government land on Honey creek, near Melmore. The county had not yet been organized and the country was a wilderness. Facilities for education were found in the log-cabin school house with greased-paper windows, puncheon floor and backless seats. Young Gibson tapped this primitive fountain of knowledge eagerly and thirsted for more. He was placed under the private tutorage of Dr. D. A. Bates, of the village, and then spent two years in Ashland Academy, where he won the highest honors of his class for scholarship and debate. After leaving the academy he worked for a time at the carpenter's trade with his father, who was a general reader of books and a man of superior intelligence, earnestly desiring the advancement of his children and making personal sacrifice to promote their education. His house was the resort of itinerant preachers and pedagogues. In 1842 William Harvey Gibson began the study of law at Tiffin in the office of Abel Rawson and Rev. G. Pennington. He was admitted to the Bar in December, 1844, rose rapidly in his profession and soon ranked among the able practitioners. He was especially powerful as an advocate and in fact had few equals before a jury. Mr. Gibson won his position at the Bar and was firmly established in practice long before the Rebellion. His convictions on the subject of slavery and his superior oratorical ability gave him prominence in politics at an early period. He was a Whig and a delegate to the National convention of the party that nominated General Scott for President in 1852. He was among the leaders in organizing the Republican party and a delegate to the convention at Pittsburg in 1856, which effected the organization. He supported General Fremont for the Presidency. He participated in twelve presidential campaigns, speaking in fourteen different States, from Maine to Kansas and Tennessee. His fame as an orator always drew crowds and his services were eagerly sought for by his party. Personally he was one of the most genial and companionable of men. He was tall and lithe of form, of a sanguine temperament, smooth shaven, with a most pleasing countenance, gentle and tender-hearted as a child, never capable of saying or doing a harsh and unkind thing; rather suffered himself to be imposed upon than retaliate. He was generous to a fault, loved and cherished his family and friends, and next to them his greatest devotion was to his

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comrades of the War of the Rebellion. He lived at Tiffin from the time of entering the profession of law. In 1847 he married Miss Martha Matilda Creeger, of German Moravian extraction, a native of Graceham, Frederick county, Maryland, but a resident of Tiffin from 1831. Four children were born to them; two sons and two daughters. The daughters only survive—Mrs. Ella G. Dildine, wife of D. P. Dildine, of Toledo, who was adopted as the daughter of the regiment at its organization at Camp Noble; and Jennie G., wife of George E. Bradfield, of Barnesville. Happy in the companionship of his family and the esteem of his friends, and prospering in business, he had no greater ambition than to serve his country in its various demands upon him as a citizen. More than that; when the booming of guns upon Sumter heralded the dread news to the unprepared Nation that the government was imperiled, he was ready to sacrifice all that was dear in life, and to die if needs be, for his country. Ohio's sons made a glorious record in the War of the Rebellion, but none left a finer record than William H. Gibson. His command was organized at Tiffin, under special authority of the secretary of war. On the 31st day of July, 1861, he received his commission from Governor Dennison to raise the 49th regiment, of which he was appointed colonel. It was principally recruited from neighbors and friends. It started September 10th for Camp Dennison, where it was equipped and left for Louisville, Kentucky, and on September 21st reported to General Robert Anderson, who had just been assigned to command there. It was the first organized body of troops to enter Kentucky from the north. It received an enthusiastic reception from the loyal citizens and became the nucleus of the far-famed fighting Army of the Cumberland. Colonel Gibson was proud of his men and they loved him as a commander. He was able and discreet, kind to them, yet strict in discipline. He was frequently recommended for promotion by his superiors, Generals McCook, Buell, Lill, Johnson and Rosecrans. At Shiloh he commanded the brigade in the absence of General R. W. Johnson, and received a bad bayonet wound. At Stone river, while in charge of the brigade after the capture of General Willich, he had two horses shot under him. He served two years and a half as brigadier commander, as ranking officer, and sometimes as division commander. From the Ohio to the capture of Atlanta he was in all the marches and skirmishes and battles of the Army of the Cumberland. He served under McCook at Shiloh, Johnson at Stone river and Tullahoma, and under Wood in all the battles from Chattanooga to Atlanta. No part of the regiment ever faltered or failed in any duty assigned it. Its gallantry under fire and its efficiency were at all times marked, and it was conspicuous in most of the great battles of the West. The distinction of losing the largest number of men killed in battle belonged to the late W. H. Gibson's regiment, the gallant 49th Ohio, viz, fourteen officers and one hundred and ninety-eight men killed in battle. General Gibson was mustered out on expiration of his term, September 5, 1864, and brevetted brigadier general March 13, 1865. Brilliant as was his career at the Bar and in public life, more noble was his service for his country

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in the army. General Johnson, in his Reminiscences of the War, speaks of him as "a fine gentleman, and one of the best stump speakers I ever heard. If any dissatisfaction outcropped in his regiment he would usually mount a barrel, or a stump, and with a ready flow of wit, clothed in the most beautiful language and expressed only as an orator could give it utterance, he would soon have the men in good humor and all satisfied." In public speaking he was plain and simple in his statements. His illustrations, though always striking, were taken from the common affairs of life. His oratory stirred alike the learned and unlearned, and was not modeled after any other known in history. He stirred the blood by exciting enthusiasm, appealing to sympathy and reason by matchless wit and good humor, always carrying with him the vast assemblage of people who flocked to hear him. In 1856 he was elected Treasurer of State. He was appointed adjutant general of Ohio by Governor Charles Foster, whom he had placed in nomination at the State convention. After the war he returned to the practice of law and engaged largely in railroading, hoping thereby to better his town. He also platted the villages of Gibsonburg, Bairdstown and Payne. Governor J. B. Foraker appointed him on the board of canal commissioners, of which he served as president. In 1888 he was a delegate to the National convention at Chicago which nominated Benjamin Harrison for President, and was appointed by him postmaster of Tiffin, which position he held until his death. It was as an orator in later life that he towered above his compeers, and he was known from ocean to ocean, politically and upon the lecture platform. His famous lectures, "Along the Lines" and "Our Century," were exceedingly popular. Yet it was with the comrades of the G. A. R. at their campfires that he was most appreciated, on account of his happy faculty in relating reminiscences so stirring to the memory of the old soldier. After the death of his only surviving son in 1878 he, with his family, united with the Methodist Episcopal Church, when license to preach without a charge was conferred upon him, and from that time he was in great demand at church dedications and camp-meetings, and was a consistent Christian to the day of his death. About July, 1894, General Gibson's health began to fail. Hardships endured in the army left their lingering and destroying effects in his system, and in spite of all that loving friends could do the vital spark grew dimmer until on the 22nd of November, 1894, his gentle spirit took its flight. As the shadows of evening were falling upon the earth the tolling of bells announced the sad intelligence to the citizens that the old hero, whom all loved and honored, had passed to that bourne whence, he often said when speaking to the comrades on Decoration Days, his spirit would look down upon them while strewing flowers upon the graves of those who had answered the last roll-call.

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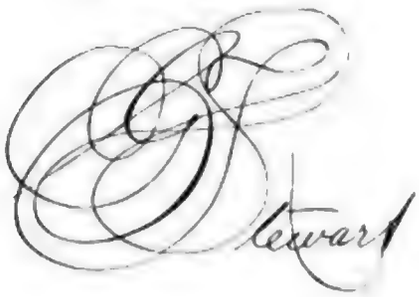

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[illegible] Henry Hill, grandson of [illegible], was [illegible] Secretary, and for [illegible] treated and tortured by the British [illegible] after, near the beginning of the R[illegible] to change his [illegible] second New York regiment. The [illegible] of Yorktown and remained until [illegible] the first [illegible] they returned to [illegible] entered the Christian ministry [illegible] Methodist church advanced [illegible] by his church and country. [illegible] lawyer, Nicholas Hill, Jr., who had [illegible] practice of any lawyer in the [illegible] 1811, and became one of the [illegible] three-fourths of the cases on the docket [illegible] active practice." At his death in [illegible] in the act of addressing that court, was [illegible] [illegible] was also sister of the [illegible] represented for the defense in the famous [illegible] four sons, who, following the example of [illegible] profession. The first was Merwin [illegible] graduate [illegible] College, but died when preparing for the bar. The second [illegible] son, who graduated at Oberlin College, [illegible] and was one of the oldest lawyers of San Francisco [illegible] leaving a son and grandson, [illegible] worthy members [illegible] The third was Nicholas Hill, who was born scholar [illegible] fame as an educator, being at the head of the principal [illegible] of Florida, at Quincy, where he died in 1858. The fourth [illegible] whose mother died in his infancy. He was [illegible] College, but left before [illegible] Norwalk, Ohio, in the [illegible] of 1842 [illegible] Kansas, with

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GIDEON TABOR STEWART, Norwalk. Mr. Stewart was born at Johnstown, New York, on the 7th day of August, 1824, and was named after Judge Gideon Tabor. He is descended from sturdy Scotch-Irish ancestors, both paternal and maternal. His father, Thomas Ferguson Stewart, was a contractor and builder at Schenectady, New York, where his mother, Elizabeth Ferguson Stewart, daughter of Dr. Thomas Ferguson, of Stewartstown, Ireland, opened the first English school and academy, which continued under her auspices until it was merged in Union College. She was well educated and a very successful teacher, attracting pupils from all parts of the State, some of whom became prominent in its early history, one of them being Governor Yates. His mother, Petreshe Hill, was a daughter of the distinguished divine and Revolutionary patriot, Rev. Nicholas Hill. The Hill family came to Schenectady from Londonderry, Ireland, at about the beginning of the eighteenth century. Henry Hill, grandfather of Petreshe, was a prominent citizen of Schenectady, and for his patriotic utterances was arrested and so cruelly maltreated and tortured by the British soldiers that he died in less than a year after, near the beginning of the Revolution. Inspired by his patriotism, and to avenge his death, his two youthful sons, Nicholas and Harry, entered the second New York regiment. They were with Washington at Valley Forge and Yorktown and remained until his army was disbanded in 1783. Then, for the first time, they returned to Schenectady. Nicholas, completing his studies, entered the Christian ministry. He lived on his beautiful plantation by the Mohawk to the advanced age of ninety years, greatly honored and beloved by his church and country. Petreshe Hill was sister of the celebrated lawyer, Nicholas Hill, Jr., who had the largest private law library and most lucrative practice of any lawyer in the United States. Appleton's Cyclopedia of American Biography says of him: "He was appointed State law reporter in 1841, and became one of the best special pleaders in the State, taking part in over three-fourths of the cases on the docket of the Court of Appeals during his active practice." At his death, in 1859, his life-size portrait, as standing in the act of addressing that court, was placed in its rooms by the Bar of the State. She was also sister of the eminent lawyer, John L. Hill, who was leading counsel for the defense in the famous Tilton vs. Beecher case. She had four sons, who, following the example of her two brothers, sought the legal profession. The first was Merwin Hill, who graduated with honors at Union College, but died when preparing for the Bar. The second was James Ferguson, who graduated at Oberlin College, went with early settlers to California, and was one of the oldest lawyers of San Francisco when he died, in 1893, leaving a son and grandson, who are worthy members of the Bar in that city. The third was Nicholas Hill, who was both scholar and lawyer, and acquired fame as an educator, being at the head of the principal institution in the State of Florida, at Quincy, where he died in 1858. The fourth was Gideon Tabor, whose mother died in his infancy. He was brought by his father to Oberlin College, but left before graduating to begin the study of law, which he did at Norwalk, Ohio, in the spring of 1842 in the office of Jairus Kennan, with

whom he remained over a year, when he went to Columbus and entered the law office of Honorable N. H. Swayne, afterwards a justice of the United States Supreme Court. He remained there about a year and a half and then went to Florida, where he spent two winters with his brother Nicholas. Returning to Norwalk, he was admitted to the Bar on August 14, 1846, and became a law-partner of Jairus Kennan. He was admitted to practice in the Supreme Court of the United States on January 26, 1866. In 1850 he was elected auditor of Huron county, and held the office for six years, when he resumed his law practice. After the outbreak of the Civil War in 1861, he went to Iowa and purchased the *Dubuque Times*, that being the only daily Union paper in the north half of the State at that time. This he published until about the close of the war, when he sold it and returned to Ohio. He bought the controlling interest of the *Toledo Commercial*, which he sold at a profit in about six months; and returning to Norwalk, resumed his law practice in the last of 1866, which he now continues, more than half a century having elapsed since he began it there. His practice has always been general, but confined to civil cases. He has been engaged in many important cases in Ohio. The printed law records and briefs of his Supreme Court cases alone make four large bound volumes. Mr. Stewart occupies first rank in his profession, and his ability is recognized throughout Ohio and in fact beyond the confines of the State. He is a man of charming and delightful manner, is greatly beloved by his fellow citizens and commands the respect of all who know him. As a speaker he is pleasant and ready. He has delivered many political speeches and numerous finished addresses on other subjects during his long and useful life. Originally he belonged to the old Whig party and was opposed to slavery. At the commencement of the war he became a Republican, but at the close he passed into the Prohibition party, where he has since remained and has always been one of its most earnest and conscientious workers. He was fifteen years a member and four years chairman of its national committee. He was unanimously nominated by three State conventions of the party in Ohio for President of the United States, but each time declined to be a candidate for that office. He was at one time the candidate of that party for vice-president of the United States; was three times its candidate for governor of Ohio and nine times its candidate for judge of the Supreme Court of the State. For the latter office he was the first and last candidate of the party, in 1869 and 1896. He was grand worthy patriarch of the Sons of Temperance and three times elected grand worthy Chief Templar of the Good Templars of Ohio; and was prominent in the Maine law and other temperance movements. He is president of the Law Library Association of Huron county at Norwalk, and was one of its organizers. He has been engaged in many business and commercial enterprises. In the early years of his practice he edited the *Norwalk Reflector*, the Whig organ of Huron county, and was for several years half owner of the *Toledo Blade*. He is a life member of the American Bible Society. He has been for many years president of the Firelands Historical Society, of which he was one of the

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founders over forty years ago, and which has published over 3,000 pages of historic collections there. He was one of the founders and first officers of the Whittlesey Academy of Arts and Sciences at Norwalk, which has maintained a large library and reading room, with valuable courses of lectures. He was also one of the pioneers of the Scotch-Irish Society of America and director of the Western Reserve Society of the Sons of the American Revolution. He was one of the organizers and directors of the Wheeling and Lake Erie Railroad Company. In 1857 he married Abby N. Simmons, of Greenfield, Huron county, and by this union there are four children, all living: one daughter, Miss Mary Stewart, and three sons, Charles Hill Stewart, of the law firm of Bentley & Stewart, at Cleveland; George Swayne Stewart, a member of the Norwalk Bar, now at the head of the George S. Stewart Company, engaged in manufacturing; Harlon Lincoln Stewart, formerly State senator and for a number of years publisher of the *Norwalk Experiment*, the leading Democratic newspaper there.

JOHN McCAULEY, Tiffin. Judge McCauley was born in Ohio, of Scottish parents. His father, Henry McCauley, and his mother, Susan Kelley, were both natives of Paisley, Scotland. Both of them were reared and educated in the same town, and there they were married in 1834. They emigrated to America immediately after they had joined together their lives and fortunes, and settled first in Columbiana county, Ohio, on a farm which Mr. McCauley bought. He sold this farm soon afterwards and purchased another in Wood county, on which he lived about six years; and then removed to the farm in Hancock county on which the family home was established and maintained until his death, at the age of seventy-seven, in 1881. His widow survived him twelve years, and died at the age of eighty-seven years, at the home of her son, the judge, in Tiffin. Judge McCauley was born on his father's farm in Columbiana county, December 9, 1834. His early education was obtained in the common schools of Wood and Hancock counties until he arrived at the age of sixteen years. He then entered the Academy at Republic, Seneca county, as a student, and completed his preparation for college during the next three years. At the age of nineteen he entered Ohio Wesleyan University, at Delaware, and remained there five years. He was graduated in 1859 on completion of the classical course, and received the degree of Bachelor of Arts. It is worthy of remark that his higher education was self-acquired. With the wages earned at teaching, mostly during the winter months, he paid his own expenses from the time he was sixteen years of age—at the academy and in college. On this account longer time was occupied between the start and the finish of his academic and collegiate courses, but it was time well spent. The business of teaching enabled him to make practical application of the knowledge gained from books and at the same time was the means of a mental discipline which

is a valuable qualification in any profession. On the first day of September, 1859, he entered the law office of Judge James Pillars, one of the able and prominent lawyers of northern Ohio, who for ten years was judge of the Court of Common Pleas of Seneca county. He applied himself with such assiduity and studied with such well directed purpose as to be able to pass the requisite examination for admission to the Bar at the end of one year. He was examined and admitted and commenced the practice in September, 1860, at Tiffin. For thirty-six years he has been engaged continuously with the duties of the profession. He entered into a business partnership with Robert G. Pennington in 1875, a relation which was continued four years. In 1885 he formed a partnership with Henry J. Weller, which still continues. He was elected prosecuting attorney of Seneca county in 1865, and re-elected in 1867, serving four years. In 1874 he was elected to membership in the convention to revise the State Constitution, to fill a vacancy occasioned by the death of one of the delegates. The work of the convention lasted about two months after he became a member, and his duties therein were discharged with ability. He was just forty, an age which unites the enthusiasm and ambition of youth with the dignity and prudence of middle life. In 1879 he was elected judge of the Common Pleas for the Tenth Judicial District of Ohio—a district comprising Wood, Hardin and Seneca counties. After three years of honorable service on the Bench he resigned to accept the higher office of member of the Supreme Court Commission, which was tendered him by Governor Charles Foster in April, 1883. The duties of this commission were equally arduous and important as those of the Supreme Court. Their intelligent performance required the same legal acumen and discriminating judgment. Judge McCauley served as a member of the commission until its work was concluded, in 1885, and then returned to his practice. He has been eminently successful at the Bar by reason of his natural abilities and large acquirements, his broad and accurate knowledge of men and affairs; his comprehensive and technical knowledge of the law; his established integrity and personal popularity. Judge McCauley has been a profound reader of the law and has given much attention to general literature; is fond of Latin, versed in the language and is, in fact, a linguist. He has unusual intellectual strength. The character of his thought is argumentative. Naturally impulsive, he nevertheless approaches legal questions carefully, cautiously and with deliberation. He is never embarrassed in the trial of a cause, even though not entirely familiar with his witness or the points which he desires to prove. He feels his way with caution until he finds that his ground is substantial. He leads the witness up step by step to the climax. He is remarkably quick and happy with apt illustrations and appropriate argument. He is always interesting because of his readiness and impromptu speeches and his unconventional manner. He has confidence in himself and goes directly to the essence of his subject in a straightforward, logical statement, despising all finesse and intolerant of every species of subterfuge. Both his prepossessions and prejudices are strong, but his nature is genial and kindly. As a lawyer he is eminently fair in every way.

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He states a legal proposition clearly and enforces it with powerful argument. He believes in the right as defined by the law and his course is always direct, if it is possible to go straight to the point and "hew to the line." A peculiarity of his deliberations as a judge was his marked originality. He pursued his own methods in arriving at a decision and weighed the authorities in his own balances. His individuality was never lost, but rather impressed upon his judicial opinions. His authority on the Bench was supreme. He preserved the dignity of the position and never allowed unseemly wrangles among lawyers who practiced before him. He dispatched the business of the court with remarkable facility, and while he sometimes checked with little ceremony the harangue of a long-winded attorney, he was always ready to help a young lawyer out of an embarrassing situation. He possesses in a marvellous degree the faculty of meeting questions in emergencies. He is never startled or surprised and never wavers in a position deliberately taken. His convictions are deep and firm; but when convinced of error he yields promptly and gracefully. He is free from every species of vanity—is a plain, honest, fair-minded, large-hearted man. His sympathetic disposition is sometimes taken advantage of by the unworthy applicant for assistance and his charity is misplaced. Occasionally his strong, impulsive utterance, inspired by sudden heat, offends; but he is quick to recover his equability and equally ready to pardon an offense in another. His sensibilities are easily touched, and in the familiar intercourse of his family he is devotion itself. His affability and geniality of temper render him approachable under all circumstances, and hence his friendships are strong and his friends numerous. A vein of originality in thought and method permeates his reasoning and course of action. While on the Bench he decided in a suit for slander that "calling a man a rogue or thief was not slander, but only a reflection on general character amounting to no specific charge." He does not accept without criticism the so-called authorities, even the highest, if in his opinion they contain error. His appointment to the Supreme Court Commission was recognized by the Bar as one of peculiar fitness. His long experience, his researches in the depths of the law, as well as literature, have qualified him as a capable counsellor. His advice is freely and constantly sought by the younger members of the profession, and generously given. Judge McCauley never stoops to the arts and methods of a pettifogger. He never encourages a client in bringing a suit that does not possess real merit. If consulted in such a case he advises the client honestly, and if there is still a disposition manifest to enter suit, declines to take the case and refers the client to another attorney. He is too high-minded to attempt to trick a court by any false pretensions, or seek to obtain a decision by questionable means. His forte is to convince by sound reasoning and fair application of the law to the question at Bar. He goes straight to the point or the marrow of a question, stripping it of all its superficiality and reducing it to the last analysis, separating the grain from the chaff. Hence his greatest and most successful efforts are with the judges, who are capable of following his reasoning and appreciating its analysis. Before either

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nisi prius or appellate courts he is powerful in argument. The cast of his mind is such as to be free from demagogy, and others are better adapted to influence the minds of a jury; and yet in the general practice of law he is remarkably successful. Judge McCauley is not a member of any church, any secret order, or distinctively benevolent society. He is guided by a high standard of morality and dispenses charity with an open hand. He is a lawyer and a Democrat. He was married in 1864 to Miss Josephine Lockwood, daughter of Dr. Alonzo and Marinda Newcomb Lockwood, of Fostoria. Five daughters were born of this union, one of whom died at the age of seventeen. The others are living.

ARIUS NYE, deceased. Arius Nye, the subject of this biography, was born in the fort at Marietta, Ohio, December 27, 1792. He was the son of Colonel Ichabod Nye and Minerva Tupper, the daughter of General Benjamin Tupper. Both Colonel Nye and General Tupper were officers in the Continental army, who served with honor and distinction during the Revolutionary War. General Tupper was afterwards sent out by Congress to complete the survey of certain lands lying west of Pennsylvania and north of the Ohio river, subsequently designated as the Northwest Territory. When his work was finished, according to the new system of surveying into sections one mile square, he paid a visit to a friend and former comrade in arms, who was in command of Fort Harmer, at the mouth of the Muskingum river. Upon returning to Massachusetts, General Tupper called upon his old army friend, General Rufus Putnam, and informed him of the beauty and fertility of the region about the Muskingum. Thereupon the two generals took the initial steps which resulted in organizing the Ohio Company and colonizing the Northwest Territory. The house in which Judge Nye was born was one of the buildings erected early by members of the Ohio Company and on the company's lands inside of the stockade, as a protection from the hostile Indians. His education in boyhood was necessarily limited. As the first settlement of the Northwest Territory was at Marietta and all of the region was a vast wilderness over which Indians roamed at will, the introduction of schools was slow and the facilities at hand were such only as permitted the acquirement of elementary knowledge of the common branches. Communication with the old States was difficult, and the establishment of academies or high schools was delayed for some time. Judge Nye, having a strong desire for learning beyond such advancement as those pioneer common schools afforded, by diligent study and close application educated himself liberally in the English language and became a fair Latin scholar, with some assistance from a private tutor. He continued to be a zealous student during the greater part of his life. All of his writings show that he was able to express himself with elegance and precision, in excellent English. While yet a boy he was sent by his father to the town of Springfield, as it was then called (afterwards, in 1815, named Putnam, and now a part of Zanesville), to carry on mercantile business. In

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Arius Nye.

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July, 1814, he became the partner of his father in the firm of "I. & A. Nye." Before reaching the age of twenty-one he was elected a director in the "Muskingum Bank," at Zanesville. Merchandising was not a congenial pursuit for him at any time, and the loss of a cargo of merchandise by the sinking of a boat afforded a good excuse for abandoning the business. The goods lost had been purchased to replenish his stock, and no part of the loss was covered by insurance. This circumstance, together with his indisposition to make traffic his life work, induced him to leave off at once and take up the study of law. About 1818 or 1819 he was admitted to the Bar at Zanesville, and immediately afterwards commenced practice there, which was continued until 1823, when he was induced by his uncle, General Edward Tupper, to remove to Gallipolis. At that period the so-called sickly seasons along the valley of the Ohio carried off a large percentage of the population in two or three years, while the plague lasted. General Tupper was of the number who succumbed to the climatic disease, and after his death Mr. Nye removed to Marietta with his young family. He had, in 1815, married Rowena Spencer, daughter of Dr. Joseph Spencer, of Vienna, Wood county, Virginia, who continued to be his companion and helpmeet until her death in 1842. In 1848 he was married to Caroline M. Nisson, of Newport, Rhode Island. After his removal to Marietta, in 1825, Mr. Nye continued the practice of law in Washington, Athens, Meigs, Gallia, Lawrence and Morgan counties, until he was elected judge, never missing a term of court in five of the counties named. For a number of years he served as prosecuting attorney of Washington county with great ability. He was repeatedly chosen a member of the Legislature, representing Washington county three terms between 1827 and 1841. He was a senator, representing the counties of Athens, Washington and Hocking in 1831–2, and again for the succeeding term. He served in both branches of the legislature with distinction and was a very able member of the committees of the Senate, on finance and the judiciary. As chairman of the committee on banking he drafted and reported a bill to charter "The State Bank of Ohio and Branches." The bill did not pass both houses during that session, but was subsequently taken up and after some amendments enacted into law by the general assembly. As nearly all the old chartered banks had closed or failed, or reached the limit of their charters, banks were generally organized under this law and furnished a safe, reliable currency, which continued to circulate until the National system of banking was inaugurated during the early part of the war. In 1845 Mr. Nye was elected president judge of the Court of Common Pleas for the Eighth Circuit, comprising the counties of Washington, Athens, Meigs, Gallia, Lawrence, Scioto and Morgan. The territory was large and three terms of court were required to be held in each county every year. The labor was so exacting and severe that Judge Nye's health broke under the strain and he was obliged to resign after about four years of service on the Bench. His close application, inflexible integrity and judicial temper, thorough knowledge of the law and strict impartiality; his innate love of justice and severe conscientiousness, his grav-

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ity of manner and deep convictions, fitted him admirably for the duties of a trial judge, and his enforced retirement, for lack of physical strength to endure the labor, was a great loss to the judiciary. Upon his recovery Judge Nye resumed practice, to which he devoted himself earnestly and successfully. He gained high reputation as a chancery lawyer and became distinguished throughout the State for that branch of practice. He was also a very conscientious attorney, and in the fidelity with which he prosecuted the pleas of the State had no superior. He was a member of the Protestant Episcopal Church; was appointed lay reader for St. Luke's Parish by Bishop Chase in January, 1826, and continued to discharge the duties appertaining to the position until the parish secured a rector. Soon afterwards the building of a church was commenced, and Judge Nye was the largest contributor to the erection and furnishing of the edifice. He was indeed a most zealous and active member in everything relating to the parish and the maintenance of a pastor. He was a very benevolent man in aiding and assisting his friends and other worthy persons. Judge Nye reared a family of sons and daughters whose honorable and useful lives evidence their careful home training. One of his sons, the eldest, Arius Spencer Nye, was admitted to the Bar and practiced law with his father several years, until 1846, when he removed to Chillicothe and became cashier of the Ross county Branch of the State Bank of Ohio. He died in 1884 at Opolis, Missouri. The second son, Dudley Selden Nye, was admitted to the Bar in 1843 and practiced law with his younger brother, William Spencer Nye, who was admitted to the profession about the same time. In 1857 he went to Council Bluffs, Iowa, and there was elected county judge. He is now living at Marietta. William Spencer, the third son, mentioned above as the partner of his elder brother, served as prosecutor one term with much ability and credit. He became attorney for the Marietta and Cincinnati Railroad during the time of its construction. He built up and sustained the reputation of an able lawyer whose early career in the profession gave prominence of great eminence had life been spared a few years longer. He died at Chillicothe in 1862. Theodore Sedgwick Nye, the youngest son, born to Judge Nye by his second wife, also studied law and was admitted to the Bar in New York, where he still resides. Of the daughters, two married lawyers: Harriet became the wife of Judge Henry A. Towne, of Portsmouth; Virginia married Judge Henry Ford, of Iowa. Judge Arius Nye died at Marietta, the place of his birth, July 27, 1865, in the seventy-third year of his age. The noble traits of his character and his upright life endeared him to the community of which he was a member for more than three score and ten years. He was pronounced a self-made man, possessing strong powers of original thought, strong convictions of duty and fine sensibilities His influence was felt by those who came in contact with him, and it was an inspiration to many toward higher and better things. At the time of his death he had attained a wider celebrity than any other citizen of Marietta. As a jurist, a chancery pleader and a criminal lawyer he ranked among the first in the West. Few lawyers have been permitted to contribute as much to the profession, in their own lives and in their posterity, as Judge Nye.

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WILLIAM TRIMBLE McCLINTICK, Chillicothe. W. T. McClintick was for fifty years a familiar figure at the Bar of Ross county and other counties of southern Ohio. He was born in Chillicothe, where his father was a pioneer resident, February 20, 1819, and has lived continuously in the town to the present time. His early education was obtained in the public schools and the academy at his native town. A fondness for reading, manifested almost in childhood, clearly foreshadowed a literary and professional course. Three qualities well defined in his character enabled him to advance rapidly: ambition to excel, industry and persistent energy in the prosecution of a purpose. These are qualities which contribute largely to a boy's confidence in himself and his ability to overcome obstacles. At the age of fourteen he was sent to the Ohio University at Athens, where he spent one year associated in classes with young men who were his seniors by several years, an association which tended to the early development of manly traits, such as the habit of independent thought and action. His course in the university was cut short by a requirement of the faculty to which he refused to subscribe, on returning at the opening of the second year, namely, a pledge to aid in detecting and suppressing disorder. The boy, who was then little more than fifteen years of age, was willing to become responsible for his own conduct, but entirely unwilling to make himself odious by the exercise of espionage on the conduct of other students. His refusal to act in such capacity terminated his connection with the Ohio University. The following year he was sent to the college at Augusta, Kentucky, an old institution under control of the Methodist Episcopal Church, which was then enjoying its greatest prestige. His application and habit of study enabled him to complete the regular course in two years, and he was graduated with the degree of A. B. in 1837. His prosecution of legal studies immediately after graduation and for three years ensuing qualified him for the honorary degree of Master of Arts, which was conferred in 1840. His course of reading in law was in the office of Creighton & Bond, the leading firm of that day, both members of which had served in Congress, Colonel Bond representing the district at the period mentioned. A course of preliminary reading was carefully marked out for the young student by his preceptors and pursued with the same regularity and definiteness of purpose as though his admission to the Bar depended upon his ability to comprehend and master it. Indeed, it may be said that admission to the practice of law at that time and in that place, which had been the capital of the State, did depend upon a knowledge of the underlying principles and the essential attributes of the law as determined by a careful and discriminating examination of the applicant's attainments. Personal standing and political influence were not accepted for knowledge of the law. Young McClintick was examined by a committee of five very able and distinguished members of the Bar, namely, Samuel F. Vinton, William V. Peck, Oscar F. Moore, John Welch and Charles Oscar Tracy. He passed the examination, received a license to practice in the Supreme Court and other courts of the State, and accepted the invitation to participate in the trial of the first case called after he entered the court

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house as a licensed attorney. Starting alone, he gained practice rapidly and very soon his time was fully occupied with legal business. In 1843 he was admitted to partnership in the firm of Creighton, Green & McClintick, the first named member being his former preceptor. It is a compliment to his ability and qualifications for the practice that this partnership was entered into on terms of equality as to division of profits between the three members of the firm. He withdrew at the close of the first year and continued alone until 1852, when he united with Amos Smith, a highly reputable commercial lawyer. The firm of McClintick & Smith was continued for thirty-six years, when the latter retired from the practice of law on account of banking and other large commercial interests with which he was connected. Mr. McClintick continued in the practice alone to the middle of the year 1890, which rounded out half a century of active, devoted service at the Bar. In accordance with a purpose formed long before, his active connection with courts and clients ceased at that time, when he was well prepared to enjoy the luxury and repose of private life and find recreation in the management or supervision of his agricultural interests, or enjoy the solace of his well selected library. He never held but one office during the long period of his semi-public life, and that was the office of prosecuting attorney of Ross county for a single term, beginning in 1849. He cherished a laudable ambition about that time to be president judge of the Court of Common Pleas and received the caucus nomination of the Whigs in the legislature for that honorable office, but was defeated in the election. Nearly twenty years later his name was presented to President Hayes, with the highest endorsements of lawyers and statesmen, for the position of judge of the Sixth United States Circuit, after the death of Judge Emmons. The question of locality only was against his success, as the President felt obliged to give the appointment to the South, in the person of Judge Baxter of Tennessee. For nearly forty years of the period of his active practice Mr. McClintick was a railroad lawyer, beginning as counsel of the contractors of the Marietta and Cincinnati Railroad during the decade between 1850 and 1860. From that time until his retirement he never ceased to be general counsel or solicitor for one or more railroads, aiding in the reorganization and transfer or consolidation of different lines which made up the Cincinnati, Washington and Baltimore railroad, and finally anchoring that line in the Baltimore and Ohio system. He was a director of these several companies for a quarter of a century, and president of the C. W. and B. Company for about one year; president of the terminal line of the B. and O., at Cincinnati, for about twenty-five years, and of a short line in the Hocking Valley to Belpre from 1883 until its consolidation with the C. W. and B. He was also a director of the Ohio and Mississippi Railroad Company for many years, and president of the company from 1879 to 1884, while its property was in the hands of a receiver. Relieved of the management of the operating department by the receiver, he had supervision of the litigation, the adjustment and settlement of legal entanglements, thus contributing largely to the value of the property.

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Politically, Mr. McClintick started as a Whig, supporting the candidacy of General Harrison for President in 1840, and continuing to act with that party on national issues until its disintegration, and then naturally united with the elements opposed to the extension of slavery in the organization of the Republican party. He has not been a partisan in the sense of following leadership and supporting candidates regardless of their character and qualifications for office. Personal and political independence has been a characteristic of his active life. When the rebellion broke out he immediately became active for the Union cause, encouraged the patriotic sentiment in public addresses and by his active work as chairman of the county military committee, contributing largely to recruit soldiers for the decimated ranks of armies in the field and the care of families of volunteers who needed sympathy and support. His personal service in the field was limited to the campaign to capture General John Morgan, in which he acted as lieutenant colonel of the Fourth Regiment of Ross county militia. He was a member of the meeting which organized the American Bar Association at Saratoga, in 1878, and assisted in the organization of that body as a permanent institution, serving as a member of its council for the State of Ohio. In the limited space which can be devoted to the biography of a single man in a work like the "Bench and Bar," it is impossible to present more than a brief outline of a life which has been full of activity and diversified work in the law for half a century. It is desirable to present a sketch which will in some degree indicate the characteristics of the man and his sources of power. It is scarcely doubted that the associations formed during the period of his minority exercised an influence in shaping his course and fixing habits of thought and study. During the time he was a student at Augusta, Dr. Bascom, the professor of moral sciences, was a pulpit orator of the highest reputation. The president, Dr. Tomlinson, was a man of large and varied talents. The students, most of whom were older than the subject of our sketch, were young men who won distinction afterwards in professional or political life. Here he acquired literary ability; learned to be concise in expression, and by the proper use of the advantages thus early presented came into command of a choice vocabulary. He was versatile, contributing articles on various subjects to the popular magazines and delivering noteworthy addresses to literary societies. His course of reading in law fixed firmly in his mind the foundation principles of the various kinds and departments of law. His habit of thought, earnestness and painstaking attention to all details qualified him well for the argument of a case. He was careful and shrewd in the adjustment of differences in cases settled by compromise, firm in contention for the rights of his client in such cases as were litigated to the end. He was always kind and helpful to young attorneys. He would not be classed as a brilliant orator, and is hardly sufficiently magnetic to move juries through sympathy. His method is rather that of a logician. His speech is smooth, his diction elegant, his oration scholarly and finished. The texture of his mind is fine; its quality literary. He started in the law without first engaging in the work of teaching or other employment as a

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stepping stone. A prominent judge says: "Mr. McClintick is well versed in the law; his greatest force is before the court; is a fine trial lawyer, and brings out all the facts in his case. He is skillful in applying the law to the facts in the case. His specialties may be said to be commercial law, corporation law, and particularly railroad law. He is also strong as an office lawyer. He is familiar with all the details of railroad business, and stands high as a railroad lawyer. He is a man of the strictest integrity, and has never been connected with a questionable transaction affecting his integrity." He was married at Howellsburg, Kentucky, October 11, 1845, to Miss Elizabeth Mary Atwood. Six children were born to them, only two of whom are living. The eldest daughter, Mary Petrea, is unmarried and lives at home. The youngest, Ann Porter, is the wife of Edward W. Strong, formerly of New Brunswick, New Jersey, now a resident of Cincinnati, and assistant general counsel of the B. and O. S. W. railway system. Mr. McClintick has since boyhood been a member of the Methodist Episcopal Church, and by precept as well as a consistent example, has promoted the cause of Christianity.

AMOS SMITH, Chillicothe. Judge Amos Smith, late of Chillicothe, was one of the best known men in southern Ohio. He was born August 16, 1827, at Lancaster, the son of George Hunter Smith, a native of Virginia, and Amelia Matlock, a native of Maysville, Kentucky. He was educated in his native town and began the study of law at an early age in the office of his uncle, Hocking Hunter, one of the ablest of that great Bar of Fairfield county which contained many of the historic names in the legal annals of the State. Probably no county in the earlier stages of the history of Ohio contained so large a percentage of members of its Bar who achieved remarkable eminence and distinction. On arriving at the age of twenty-one young Smith was admitted to practice in the courts and soon afterwards located in Sandusky, where he became associated with Judge Reber. After remaining there about three years he removed to Chillicothe and engaged for one year as clerk in the Chillicothe Valley Bank. In 1852 he resumed the practice of law, having become associated in partnership with William T. McClintick, who was already established in law, and for more than a third of a century the firm of McClintick & Smith was widely known for the ability of its members, the extent of its practice and the remarkable financial success achieved in the law and commercial pursuits. Mr. Smith was essentially a commercial lawyer. He could hardly have been related to Hocking Hunter without possessing natural aptitude for the law; and the financial instinct appears to have been exceedingly prominent among his natural gifts. The union of these two faculties in a strong and well balanced mind resulted, as may have been expected, in triumphs along the lines of real estate and corporation law; and in business qualified him for large success as a banker. He became associate council of the

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Amos Smith.

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Marietta and Cincinnati Railroad in 1860 and continued to serve in that capacity for the company and its successor until 1883. When the Baltimore and Ohio southwestern system was organized in 1890 he became a member of its board of directors, a position which he held until death. He was one of the incorporators of the First National Bank of Chillicothe and sustained the relation of attorney to the bank from the time of its organization until 1884, when he became president. As president and financial manager of this strong fiscal institution he added to its business and profits. He was not only safe and conservative, but also broad-minded and enterprising as an executive manager. His entire talent was not expended in one line of work, nor was he content to invest his surplus earnings in one class of securities. Foreseeing the great wealth buried in the valleys and hills of the State, he became interested very largely in coal lands, which he proceeded to develop, organizing first the Carbondale Coal Company of Athens county, and afterwards becoming the promoter and one of the incorporators of the Wellston Coal Company of Jackson county, through which firm he was a great factor in the development of that rich and now celebrated coal field of southern Ohio, and later he became extensively interested in coal properties in the Hocking Valley and elsewhere. These investments were all valuable and of a character to secure immediate profits on their improvement and leave a vast inheritance to his heirs. He became the owner of large landed estates in several different counties and also had numerous other financial interests which evidenced his sagacity as an investor, no less than his prudence as a manager. He died October 23, 1892, leaving his son, George Hunter Smith, as his successor in the management of varied and valuable financial interests. Mr. Smith was married December 12, 1857, to Henrietta Renick. Five children were born of this union: Elizabeth Renick, George Hunter, Anna, Ida Wyeth and Charles Francis. In social life Mr. Smith was always courteous and congenial, exhibiting more than ordinary fidelity in his friendships. He was honored by his family and neighbors, because of the possession of those traits of character which inspire confidence and respect. In business circles he was widely known and universally honored, because of the high standard of financial integrity which he maintained and the habit of promptness in meeting all engagements. He possessed the genius of labor, and could accomplish as much in a given time as any man in all that region, excelling as a financial lawyer rather than an advocate or a trial lawyer. His nervous force and energy were superior to his physical strength, but his will was imperious, and it is affirmed that his life was supported mainly for a year and a half by extraordinary will-power, as he refused to retire from business on the advice of his physician, when he was in no physical condition to continue in active pursuits. In view of his predilections and successes, it may be appropriate to place the financial instinct first and characterize him as the banker-lawyer. He was a fine looking gentleman, whose appearance and bearing could not fail to attract favorable notice. A prominent judge of Chillicothe says: "Mr. Smith was not a good pleader; he seldom appeared in court; was an indefatigable worker; had a great grasp of affairs, and man-

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aged successfully large estates. He was a very prominent man in this section of the state; had a fine mind for details; was very positive and aggressive." Another well known judge says: "Mr. Smith was a commercial lawyer of the highest standing. In all business transactions on a large scale he seemed to grasp the points that belonged to his case; was very methodical and diligent: labored incessantly night and day when the pressure of a great many suits of a commercial character was upon him. His counsel was good and sought for by the business community. He was essentially a consulting lawyer; a man of the highest integrity of character, proficient in all the departments of commercial law, and, in fact, in all departments of the law, except criminal law. He was a man of very superior mind, of the largest capacity for commercial transactions; was a superior corporation lawyer. The firm of McClintick & Smith was the greatest in this whole section of the state in the management of corporation cases. He was an ideal business man, which is demonstrated by his remarkable success in life. I know of no man who was a safer counsellor. He was modest and unassuming, too much engrossed in business to be literary." Another prominent lawyer says: "Mr. Smith was a very able man in business affairs, careful, shrewd, attentive, and what might be termed a very successful man; was a first-class office lawyer, especially in matters involving great financial interests; was very capable in the preparation of legal papers." Another says: "He had no superior at this Bar as a commercial lawyer, and no superior in the community as a successful man. He managed a great many estates, and was implicitly trusted on account of the wisdom of his counsel and his carefulness to be right. He was consulted more than any other lawyer upon business complications in the town, in which he was especially competent. He was consulted on all important matters and was pre-eminent in matters pertaining to commercial law." Another lawyer of the Chillicothe Bar says: "In commercial law he has had no equal at this Bar. For a long time he was counsel for the merchants here, and was chiefly an office lawyer. He was keen, shrewd, sagacious and far-seeing; a careful draftsman of contracts and wills, and in giving advice as to the management of large estates by trustees. He had the confidence of the business community on account of his great abilities and executive force. He was a man of wide knowledge, excellent judgment and superior capacity for banking and corporation law."

WILLIAM H. SAFFORD, Chillicothe. Honorable William H. Safford is one of the ablest jurists and advocates now living in southern Ohio. His ancestors were for a long time residents of New England, and his grandfather, Dr. Jonas Safford, and his father, Dr. Eliel Todd Safford, were both educated practicing physicians. His mother was Anna T. Harrison, of Louden county, Virginia. He was born February 19, 1821, in Parkersburg, Virginia.

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His early education was limited to the acquirements of the common schools of his day and he began teaching at the age of sixteen, afterwards filling the position of principal of an academy in which he had been a student. The teacher's profession, however, was not to his taste and he began the study of law in the office of William A. Harrison, of Clarksburg, Virginia, in 1840. He participated in the campaign of that year, making speeches in favor of General William H. Harrison. He was admitted to practice in the State of Virginia in April, 1841, two months after reaching his majority. For some time his practice was by no means lucrative and the circumstances surrounding him would have discouraged one whose temperament was less sanguine. During the period of his waiting for clients he was by no means idle, but improved the time in historical research and the study of literature in connection with application to such law publications as were accessible. He was hopeful of the future and self-reliant in the present, having full confidence that he who sows wisely will reap abundantly later on. Before his business was sufficient to afford a livelihood with any of the luxuries he entered into marriage with a young woman of Virginia whose baptismal name, "Pocahontas," recalls a historic incident of the early settlement of that colony. She was the daughter of Dr. David Creel, and her full Christian name was Annie Maria Pocahontas. In 1848 Mr. Safford removed to Chillicothe, Ohio, where he soon established himself in his profession. He also in those early years devoted some time to literary pursuits, having in 1850 published a biography of Harman Blennerhassett. After further research this work was enlarged and published in 1861 under the title of The Blennerhassett Papers. Although Mr. Safford's early acquirements were very limited, he enlarged them by study and general reading until he has become one of the really learned men in the literature of the law and in general literature. In 1857 he was elected senator and served with ability in the legislature of the State. In 1859 he was the Democratic candidate for lieutenant governor on the ticket with the late Judge Rufus P. Ranney, who was the candidate for governor. In 1868 he was elected judge of the Court of Common Pleas for the Fifth Judicial District, served one term and declined a renomination. At the close of his judicial service he resumed the practice of law, in which he has since been continuously engaged. Judge Safford performed the duties appertaining to the judicial office with ability and conscientious fidelity to the obligations imposed. He could have remained on the Bench for an indefinite period if such had been his desire. Prior to his election as judge he had become eminent as an advocate and also as a trial lawyer. His successes on the forum doubtless influenced his determination to resume practice. Profoundly learned in the law, liberally informed in matters of history and science, cultivated by wide reading in literature, logical in the cast of his mind, he has for many years been one of the most formidable lawyers at the Bar of southern Ohio. On the Bench he won the esteem of all who practiced in his courts by his perennial good temper, his kindness to young members of the Bar and his courtesy to all. He was, moreover, inflexibly honest in arriving at and expressing his

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judgments, and impartial as between litigants and their counsel. He is a man of stainless reputation in all the relations of life. For many years he served as member of the board of education of Chillicothe and he has long been a communicant of the Protestant Episcopal Church.

CHARLES H. GROSVENOR, Athens. General Charles H., the son of Peter Grosvenor and Ann Chase, was born at Pomfret, Wyndham county, Connecticut, September 20, 1833. He is a descendant of John Grosvenor, who emigrated from England, settled at Roxbury, Massachusetts, and founded the family line in America, through his six sons. The tombstone of this ancestor at Roxbury, where he died in 1690, bears the crest and coat of arms of the family in England. His grandfather, Thomas Grosvenor, was colonel of the Second Regiment Connecticut Volunteers during the Revolution and served on the staff of General Washington. His father served in the War of 1812 as major of the Tenth Connecticut regiment. His own brilliant career as a volunteer soldier in suppressing the Rebellion is in evidence to prove that his inheritance of patriotism and chivalry was not dishonored. When only five years of age General Grosvenor was brought by his parents to Athens county, Ohio, which was then on the frontier. There was no schoolhouse in the neighborhood of their clearing until he had reached the age of fourteen, when the primitive district log house was erected. In the meantime, however, the rudiments of his education had not been neglected. He received from his intelligent and refined mother, a woman of high character and unusual refinement, valuable lessons from text-books and lessons in duty. The training which he received at home was more beneficial, because directed with broader intelligence, than any which the district schools of the times afforded. He was ambitious and persevering, with a will to conquer difficulties and energy commensurate with his purpose. It was not a misfortune that he was compelled early to rely upon his own resources and shape his own course in life. The condition of self-dependence cultivates the quality of self-reliance, which is a valuable factor in the equipment of a boy for any sphere of responsible action in manhood. He worked on the farm in season, taught district schools during the short winter terms for which the revenue supported them, and read the foundation books of law during the long evenings and leisure hours. He was directed in this course of primary reading by Honorable Lot L. Smith. The mental discipline incident to teaching others enabled him to acquire knowledge for himself with greater facility, and in 1857 he was admitted to the Bar of Athens, qualified to engage in the practice of law. The adult life of General Grosvenor presents three phases—the professional, the military, the political—all of which are interesting. (1) He formed a partnership with Honorable S. S. Knowles in 1858, which was terminated three years later by the opening of the Rebellion. After the war he became associated with J. M. Dana, in the firm of Grosvenor & Dana, which continued fourteen years. For

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C. H. Grosvenor

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several years, beginning in 1868, he was also associated with Austin W. Vorhis at Pomeroy as head of the firm of Grosvenor & Vorhis, which was discontinued on account of the pressing engagements of public life. His business associates in legal practice at Athens for some years past are E. J. Jones and L. G. Worstell, under the style of Grosvenor, Jones & Worstell. He is a lawyer of high reputation and large clientage. Trained in the old school, he has adhered to the custom of taking cases in all departments of practice. He has been equally successful in civil practice and the conduct of criminal cases. Quick in discernment, ready and logical in argument, careful in the preparation of a case, he is able to impress the court. Skillful in the use of words chosen from a large vocabulary at command, gifted in the art of oratory, controlled to a degree by sentiment and sympathy, his power over a jury is great. His practice has brought him into all the courts, from the Common Pleas of his county to the Supreme Court of the United States. He was chairman of the executive committee of the State Bar Association for several years after its organization. (2) At the opening of the Rebellion he enlisted as a private, but soon received a major's commission, and in 1863 was promoted to a lieutenant colonelcy. Before the close of the war he was a full colonel and a brigadier general by brevet. He was recommended for promotion by General Stedman for gallant service on the field in the battle of Nashville, and the recommendation was endorsed in most complimentary terms by General George H. Thomas. In every situation his courage and skill were equal to the demands and the emergency. (3) In 1873 and again in 1875 General Grosvenor was elected to the general assembly of Ohio from Athens county. During the second term he served as speaker of the House of Representatives, with ability and general approbation. He became an acknowledged force in Ohio politics and a leader in the Republican party. He was trustee of the Soldiers' Orphans' Home from 1880 to 1888, and president of the board five years. He was a Presidential elector in 1872 for his district, and in 1880 for the State at large. He has been elected to the Forty-ninth, Fiftieth, Fifty-first, Fifty-third, Fifty-fourth and Fifty-fifth Congresses. His fame as an orator, familiarity with political questions and ability as a lawyer have given him high rank among the Nation's legislators. His personal popularity and power as a political debater create a demand for his services throughout the country during a campaign. Few men are more entertaining, instructive or influential on the stump. The intimate personal friend of Major McKinley, he was the staunch supporter of the major's candidacy for President in its very incipiency. He was indeed the redoubtable leader in the organization of forces and the combination of influences which resulted in McKinley's nomination at St. Louis in July, 1896. During the canvass which followed he appeared on the hustings in many States. No voice was more eloquent, no argument more effective than General Grosvenor's—from the Atlantic seaboard to the plains of Kansas. Never for a moment did his confidence in the final issue waver. His faith, transmitted as a magnetic current to the people who were fortunate enough to hear him speak, inspired in them the firm belief

in McKinley's election. He was always ready with figures to demonstrate the basis of his faith, and so earned the sobriquet of the "Statistician of the Campaign." The November returns justified his claims and established his reputation as a political prophet. Had he consented to the use of his name as a contestant he would certainly have been a formidable competitor of Thomas B. Reed for the speakership of the Fifty-fifth Congress. He is the recognized leader of his party on the floor. General Grosvenor is one of the brilliant debaters of the House. His long service and close observation have made him perfectly familiar with parliamentary procedure, and the complicated rules governing the House of Representatives in particular. Thoroughly informed in matters of legislation, logical in his method of presenting an argument, keen at repartee, equable in temper, earnest and even ardent in manner, he is powerful both in defense and assault. Free to pursue and conclude an argument in his own way, he advances his cause by the force of his reasoning and the eloquence of his appeal. Captiously interrupted, he brings to his adversary confusion and discomfiture, by a philippic more scathing and sententious than those which immortalized Demosthenes. He is endowed with a bright imagination, ready wit, genuine humor, a resonant voice, lively sympathy and good action—faculties and attributes essential to the orator. General Grosvenor was married December 1, 1858, to Samantha Stewart, of Athens county, who died in April, 1866, leaving a daughter. He was married to Miss Louise H. Currier, a native of the same county, May 21, 1867. Two daughters are the fruit of this marriage.

SAMUEL CRAIGHEAD, deceased, was the first lawyer bearing his family name to become established in Dayton. He founded the firm now composed of William and Charles A. Craighead. As the name implies, the Craigheads are unmistakably Scotch in their origin, and they are indued with industry, firmness, self-reliance and other mental and moral characteristics of that vigorous race. Following the stem of their genealogical tree back for two hundred years, we find the head of the American family of the name was a celebrated divine of the Presbyterian faith, and a native of Scotland. His name was Thomas Craighead. He came to the States in 1715; his ancestors reaching back in a long line to the feudal ages were cultivated people, many of them also clergymen. Being a minister, his home was wherever his duties called him. He died in 1739 at Newville, Pennsylvania, in the pulpit, after finishing one of his impressive sermons. His posterity settled in that State and became distinguished for their devotion to the cause of liberty. In the struggle for independence they were all patriots. John Craighead, from whom the subjects of this sketch are lineal descendants, settled at Carlisle, Cumberland county, Pennsylvania, in 1742, on a tract of land he purchased of William Penn's heirs, and it was there that Samuel Craighead was born, July 6, 1818. His father was a farmer, but died when Samuel was but three years of age, leaving a family of seven children, of which Samuel was the

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youngest but one. His early education was fragmentary, obtained partially in public schools of Carlisle and partly in the academy connected with the Dickinson College at that place. When seventeen years of age he went to New York and entered his brother's printing office, remaining there seven years, five of which were spent at the printer's trade and the last two in the study of law, the profession he had determined to enter. In 1842 he came to Ohio and continued his studies in the office of S. D. King, of Newark, and the next year was admitted to the Bar at Mansfield, Ohio. In the spring of 1844 he opened an office in Dayton for the practice of his profession, where by reason of his marked ability he soon attracted public attention. In 1848 he was elected prosecuting attorney of Montgomery county and in that position demonstrated and established his rank among lawyers. This term of public service fixed his status at the Dayton Bar. He stepped to his place in the front rank and maintained that position to his death. He loved his profession and refused to leave it for political honors, though often urged to do so. He was offered the nomination for Congress by his party in 1872, when it was equivalent to an election, but he declined to have his name go before the convention. In 1876 while absent from home he was made the Republican candidate to represent his district in Congress, but peremptorily declined, and another convention was called to name a candidate, who was afterwards elected. Had he consented to accept the honors the people were ready to thrust upon him, there were none among his intimate acquaintances who had any doubt as to what his future would have been. Well informed, strong in his argument, gifted as an orator, and courteous in his bearing, he possessed the elements that would have swiftly carried him up to a plane with the ablest National law-makers, as they had established him in the front rank at the Bar of his adopted State. He had a large general practice, but in criminal cases, especially homicide, he had a reputation as wide as the borders of the State. As a trial lawyer he was very effective; his cases were always thoroughly prepared. In wit and repartee he was a master, and in summing up a case before a jury he was often brilliant and at times sublime. Mr. Craighead had extensive domestic business relations. He was president of the Firemen's Insurance Company, of Dayton, from its organization in 1856 to the time of his death. He was for many years a member of the order of Odd Fellows and filled the highest offices and obtained the highest honors of the order. He was Grand Sire of the Grand Lodge of the United States from September, 1858, to September, 1860. The firm of Craighead & Craighead was formed in 1877 by a partnership arrangement between Samuel and William Craighead. In 1881 Charles A. Craighead was admitted to the firm as junior partner, and the firm as thus constituted remained until the senior partner retired from active practice on account of his failing health. The remaining partners continued the business under the same firm name. In February, 1853, Mr. Samuel Craighead married Mrs. Jeanette A., daughter of Judge William Miller, deceased, of Cincinnati, and relict of Lieutenant Woodhull Schenck, of the United States Navy. By this union Mr. Craighead had three sons, Robert G., Emanuel J.,

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and Charles A. Mr. Craighead possessed the universal esteem both of his brethren in the profession and all who had the pleasure of his acquaintance. He passed the evening of his life in the quiet enjoyment of the fruits of the labor of other years. Time began to make ravages in his splendid physique and it became apparent to him as well as to others that his thread of life was nearly spent.

WILLIAM CRAIGHEAD, the senior member of the firm of Craighead & Craighead, is the son of Dr. John B. Craighead, for many years a prominent and leading physician of the City of Dayton, and a graduate of Philadelphia Medical College. William Craighead came to the Bar in 1860 thoroughly equipped for the profession, so far as solid, scientific, classical and legal education could go. He began practice in Dayton as the senior partner of the firm of Craighead & Munger. He was soon afterwards elected to the office of city solicitor, and served in that capacity very acceptably for two terms. He was elected to the same office in the spring of 1892 and served three years. This is the only public office he ever accepted. He preferred to be a good lawyer rather than a politician, and no buzzing political bees ever found lodgment in his hat. In his practice at the Dayton Bar he early made the reputation of being an able, accurate, reliable lawyer, and has well sustained that reputation ever since. He continued in business with Mr. Munger for fifteen years, in which the firm enjoyed a very lucrative practice. In 1877 he became the junior partner in the firm of Craighead & Craighead, and has been a partner in the business since. When Samuel Craighead retired from practice he became the head of the firm, a position which his ability and long connection with the business enabled him to fill to the full satisfaction of their large clientage. In December, 1867, he was married to Margaret S. Wright, of Urbana, Ohio, which proved a happy union. He is esteemed as much in his quiet home for his social qualities as he is at the Bar for his legal abilities.

CHARLES A. CRAIGHEAD, junior partner of the firm of Craighead & Craighead, is the son of Samuel and Jeanette Craighead. He is a native of Dayton, and was born August 12, 1857. His primary education was obtained in the common and high schools of his native city. He entered La Fayette College at Easton, Pennsylvania, in 1876, and was graduated in 1880. He was admitted to the Bar in 1881, and at once began active practice as junior member of the firm of Craighead & Craighead. In such distinguished company he found but little opportunity in the early years of his practice to gain public recognition, but he was getting something better—a thorough training in the principles of law and a remunerative practice. Following the footsteps of his father, he has never sought distinction outside of his profession. As he gained

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experience his father gradually relinquished his hold on the business, and the ability with which it was handled demonstrated that his mantle was to fall on worthy shoulders. The reputation established by the founder of the firm in almost half a century of active practice is being well maintained by his successors. Mr. Craighead was married November 30, 1892, to Kathleen, daughter of General Alexander McD. McCook.

MARTIN WELKER, Wooster. Honorable Martin Welker, jurist and statesman, was born on a farm in Knox county, Ohio, April 25, 1819. He came in with the pioneers of that section and his birthplace was the veritable log cabin, common to the backwoods of the period. Settlements were sparse and facilities for education meager. His opportunity was limited to the primitive log-cabin school, and in that only until he was fourteen years old. He prosecuted studies in the common branches, however, for three years after that time while he was engaged as clerk in a village store. He was too ambitious to continue permanently as merchant's clerk and his aspirations were to become a lawyer. In 1836 he began the study of law in the office of Honorable W. R. Sapp at Millersburg, Holmes county, at the same time continuing his literary study until he acquired a liberal English education. He was admitted to the Bar May 25, 1840, and was immediately received into a partnership by Major Sapp, his preceptor, remaining with him in practice for six years. He served part of a term as clerk of the Court of Common Pleas of Holmes county. In 1840 he was editor of a Whig paper at Millersburg and supported the candidacy of General Harrison for President. In 1848 he was nominated as the Whig candidate for Congress and made a vigorous canvass, but was defeated only because of the preponderance of Democrats in the district. He declined a second nomination for Congress in 1850. Resigning his clerkship in 1851, he resumed the practice of law in partnership with Thomas Armour, whose sister, Miss Maria Armour, he had married in March, 1841. In 1851, at the first election held under the second Constitution of the State, he was elected judge of the Court of Common Pleas for the Sixth District, composed of the counties of Coshocton, Licking, Holmes, Delaware, Morrow, Richland, Ashland and Wayne, and served the full term of five years. He was defeated for re-election in 1856 by the large Democratic majority in Holmes, Coshocton and Wayne counties, which composed his sub-district. In 1857 he settled at Wooster and formed a partnership with Judge Levi Cox, who had preceded him on the Common Pleas Bench. For the last forty years he has been a citizen of Wooster and a leader in the highest and best sense. During much of that period he has held public office of a judicial or political character and has honored every office he was called upon to fill. In 1857 he was elected lieutenant governor on the Republican ticket with Governor Samuel P. Chase, and declined a renomination for the same office two years later. As president of the Senate he was dignified, courteous, firm and impartial. In May, 1861, he

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was appointed judge advocate of the Second Brigade Ohio Volunteer Militia by Governor Dennison and mustered into the service of the United States April 15th with the rank of major, on the staff of General J. D. Cox. On the 10th of August, 1861, he was commissioned aid-de-camp to Governor William Dennison, with the rank of colonel, and served as acting judge advocate general and paymaster general until the close of the governor's term, occupying a confidential relation with the governor. In May, 1862, under an appointment by Governor Tod, he took command of the Emma Duncan and made a trip to Pittsburg Landing with several physicians to bring home sick and wounded soldiers; was in front at the evacuation of Corinth. In 1862 he was appointed by Governor Tod assistant adjutant general and superintendent of the draft in Ohio, of which he had the management so long as the order existed. He was again nominated for Congress in 1862, by the Republicans of the fourteenth district, comprisiug the counties of Holmes, Wayne, Ashland, Medina and Lorain, but was defeated by only thirty-six votes. The election came at a time when many thousand Republicans were enlisting or engaged in the service in the field, and his own duties in connection with the draft prevented his making the canvass which doubtless would have resulted in election. Two years later he was elected as the Republican candidate in the same district by a majority of twenty-five hundred; was re-elected in 1866 and again in 1868, serving for six years. During the three terms he was a member of the committee on the District of Columbia, and other important committee service was on the Private Land Claims and the committee of Retrenchment and Reform, both of which he served as chairman. He was the real author of the first act of Congress providing for the parking of the streets in Washington, which has contributed so much to the comfort and beauty of that magnificent city, and made it the most beautiful city in the world. He was influential in the business of reconstruction, which occupied the attention of Congress during the whole period of his service, and actively participated in the legislation adopted, having made one of the earliest speeches on that subject in committee of the whole. In 1873 Judge Welker was appointed by President Grant to succeed Honorable Charles T. Sherman as judge of the United States Court for the Northern District of Ohio, and discharged the duties of that office until June, 1889, retiring with honor under the constitutional provision on account of age. Judge Welker not only presided over the District Court, but occupied the bench of the Circuit Court much of the time in the absence of the circuit judge, and sat with him when present. His large experience in business and political affairs, his ripe judgment, his clear discernment, his pure character and his upright life commended him to the Bar, and enabled him to render special service to the profession and the litigants who came under his jurisdiction. He is in the best sense a self-made man, and his career has been remarkable not less for the numerous positions he has filled and his advancements either by appointment or popular election, than for the fidelity and ability with which he has performed the duties of every office. His education is none the less thorough because self-acquired,

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and his scholarship was recognized by Wooster University in conferring upon him the honorary degree of LL. D. He was professor of political science and constitutional and international law in that university. As a plain, unvarnished fact it may be asserted that he is a statesman whose work in Congress was permanent and valuable; a lawyer and jurist who has fairly gained a high position and always held the highest respect of his professional brethren. He has taken interest in the affairs of his county and town by active connection with important enterprises, serving as president of the Wooster National Bank and the County Fair Association. He is a member of the Grand Army of the Republic. The little city in which he has so long resided is proud of her first citizen. He owns a beautiful farm near the city which has been brought to a fine state of cultivation, and which is beautiful for situation. It has been his aim for several years to make a model farm. In 1892 he published a very entertaining volume of about one hundred pages, entitled "Farm Life Sixty Years Ago." The volume is not only read with interest by the present generation, but is found to be instructive, containing much excellent advice to the farmer of the present day. One object of the work appears to have been to picture the farm life so attractively as to induce young men to remain in the country and cultivate the soil. A second edition of this volume was published in 1895 by the Western Reserve Historical Society at Cleveland. In an address before the State Bar Association July 17, 1895, Judge Welker argued strongly in favor of his profession, and established the importance of the lawyer in organized society. A single extract is sufficient to show the drift and strength of his argument.

"I know it is often said that lawyers are not needed; that they are useless as well as expensive members of our body politic. This is a great mistake. As our laws now stand, with their necessarily wide range, their intricacies, their diversified subjects, covering the great improvements of the day, in the arts, in commerce, and the progress of the age in every department of business, embodied as they are in thousands of volumes of books, reports of courts and statutes, it takes the life work of an exclusive class of men, specially trained for that purpose, to understand and administer them in our courts, so that right and justice may be meted out in litigation. There always will be controversies among the people. Men will not understand or view things alike. Disputes will grow up as to the rights of person and of property, and whose settlement is of great consequence in every community. These must be settled by the lawyers, or as a last resort, the courts. This is most frequently accomplished by lawyers, without law-suits. Grave questions of professional ethics are often presented to the lawyer as to his duty to the court and that demanded by his client. The official duty of his office, as an attorney, is to aid the court and the jury in the correct administration of the law. It is not his duty to misrepresent and thereby prevent its proper application. It is right and proper that fair, legitimate arguments be presented, bearing upon the side of his client, and that they be put in their strongest and most prominent form. Whether his client is right or wrong, he is not to be the judge—that question is determined by the tribunal trying the cause. It is questioned whether it is the duty of the attorney to undertake his client's cause when he must know he is wrong. The answer to this is, how does he know it until he hears the evidence on both sides as developed on the trial? Then in all trials

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there are usually two sides; each party is entitled to a fair hearing; and to insure that, both sides must be presented. In criminal cases the law presumes the defendant to be innocent until proven guilty, and the attorney has no right to presume the guilt of his client, but is bound to employ his utmost ability and skill in the defense. It is sometimes thought that the great field of the lawyer is in the court room, before judges and jury, with an admiring crowd around him, where he contends for the right of his client. This no doubt appeals to his ambition and love of applause, and is exceedingly gratifying to his desire for excitement and controversy, and affords him an opportunity to use his logic, eloquence and wit. But his greatest work is in the silence of his office. There he works out the arguments and hunts up the authorities that win his client's cause. There he comprehends and elaborates the principles applicable to his case, that overthrow in the public contests all opposition."

The judge was married January 16, 1896, to Miss Flora Uhl, of Cleveland, his first wife having died a few years before. He resides in his beautiful homestead on Beall avenue, surrounded with trees, shrubbery and flowers, on grounds containing some two acres, where he occupies his leisure in reading and keeping up with the times in public and general progress of the day, and in writing articles for magazines, newspapers, etc. In this way he is trying to close up peacefully and quietly an active and busy life.

J. WARREN KEIFER, Springfield. General Keifer is a native of Clark county, Ohio. He was born January 30, 1836, on a farm about six miles from Springfield. His father, Joseph Keifer, was a native of Washington county, Maryland, a civil engineer by education and a farmer by occupation. His mother, Mary Smith, was a native of Hamilton county, Ohio. His education was obtained in the public schools of the county, supplemented by a course in Antioch College, at Yellow Springs, under the presidency of Horace Mann. Choosing the law for a profession, he entered the office of Charles Anthony, Springfield, as a student, in 1856, and two years later was admitted to the Bar. He began practice at Springfield in 1858. Possessing fine natural abilities as an orator, and being an indefatigable worker, he had laid the foundation for a fine practice when the firing on Sumter caused the Nation to take up arms. J. Warren Keifer was among the first to offer his services. He entered the contest with the zeal of a patriot and the vigor of forceful manhood. He took an active part in organizing the Third Regiment Ohio Volunteer Infantry, and when it was mustered into the service, April 27, 1861, he was commissioned as major of the regiment. The first enlistment was for three months, but the regiment saw no active service before it re-enlisted for three years. Major Keifer was among those who re-enlisted. His regiment was joined to McClellan's army, and its first seasoning under fire was at Rich Mountain. In the winter of 1862 he was promoted to the rank of lieutenant colonel of his regiment, and again in September was promoted to the colonelcy and placed in command of the One Hundred and Tenth Ohio Infantry. He was slightly

wounded at the battle of Winchester, while commanding a brigade in General Milroy's Corps. His judgment did not coincide with the dilatory tactics of General Hooker, but he was too good a soldier to complain. He did write friends in Springfield just what would happen should Lee start north. After the disastrous affair at Winchester, he was with his command at Maryland Heights, and when Milroy's command was ordered to join General Meade, General Keifer was ordered to dismantle the works and take the guns to Washington. He missed Gettysburg, but was thereafter attached to the army of the Potomac. He was severely wounded in the battle of the Wilderness by a rifle ball passing through his arm, shattering both bones; but returned to his command in August, carrying his arm in a sling. He was with Sheridan. In the battle of Opequon, Virginia, September 19th, while in command of a brigade in the Third Division, Sixth Corps, he was again struck by a fragment of shell, but not disabled. During the battle of Cedar Creek, which resulted in the rout of Early's army, General Keifer was in command of the Third Division, Sixth Army Corps, and led the successful charge on the Confederate center that decided the battle. For gallant conduct in that battle he was brevetted brigadier general. He commanded the Third Division in the final charge on the intrenchments at Petersburg, which resulted in the capture of the town. His command was with Sheridan in his masterly pursuit of Lee, and he won his final promotion at the battle of Sailor Creek, for a piece of strategic work and a brilliant charge, which captured the flower of the Confederate army. He was promoted to the rank of major general and ordered to join Sherman in North Carolina, but happily his services were not needed, as the Confederate army surrendered before his arrival. He was mustered out of the service in June, 1865. On the recommendation of Generals Grant and Meade he was appointed lieutenant colonel in the regular army, but he declined to accept the commission. Fighting for the preservation of his country was one thing, and routine duty in the regular army quite another. He returned to Springfield and took up the threads of his business that were so suddenly dropped in 1861. For the next few years he devoted himself entirely to his law practice. He took a deep interest in the welfare of disabled soldiers and the relicts of those who lost their lives in the service. He was the department commander of the Grand Army of the Republic and in that capacity organized the board of control of the Soldiers' and Sailors' Orphans' Home at Xenia, in 1868, which two years later passed into the control of the State. He represented his district in the State Senate during the years 1868 and 1869. Though General Keifer had won distinguished honors, he was still a young man and was just beginning at this time to make a strong impression on the Bar and courts of his county. During the next decade his reputation as a lawyer and advocate became firmly established, and he was recognized as one of the leading lawyers of the State. In 1876 he was elected to represent the Eighth Ohio District in the Forty-Fifth Congress, and was re-elected to the Forty-Sixth, Forty-Seventh and Forty-Eighth Congresses. When Blaine entered the Senate his mantle as leader of the Republican minority on the floor of the House fell on General Keifer's

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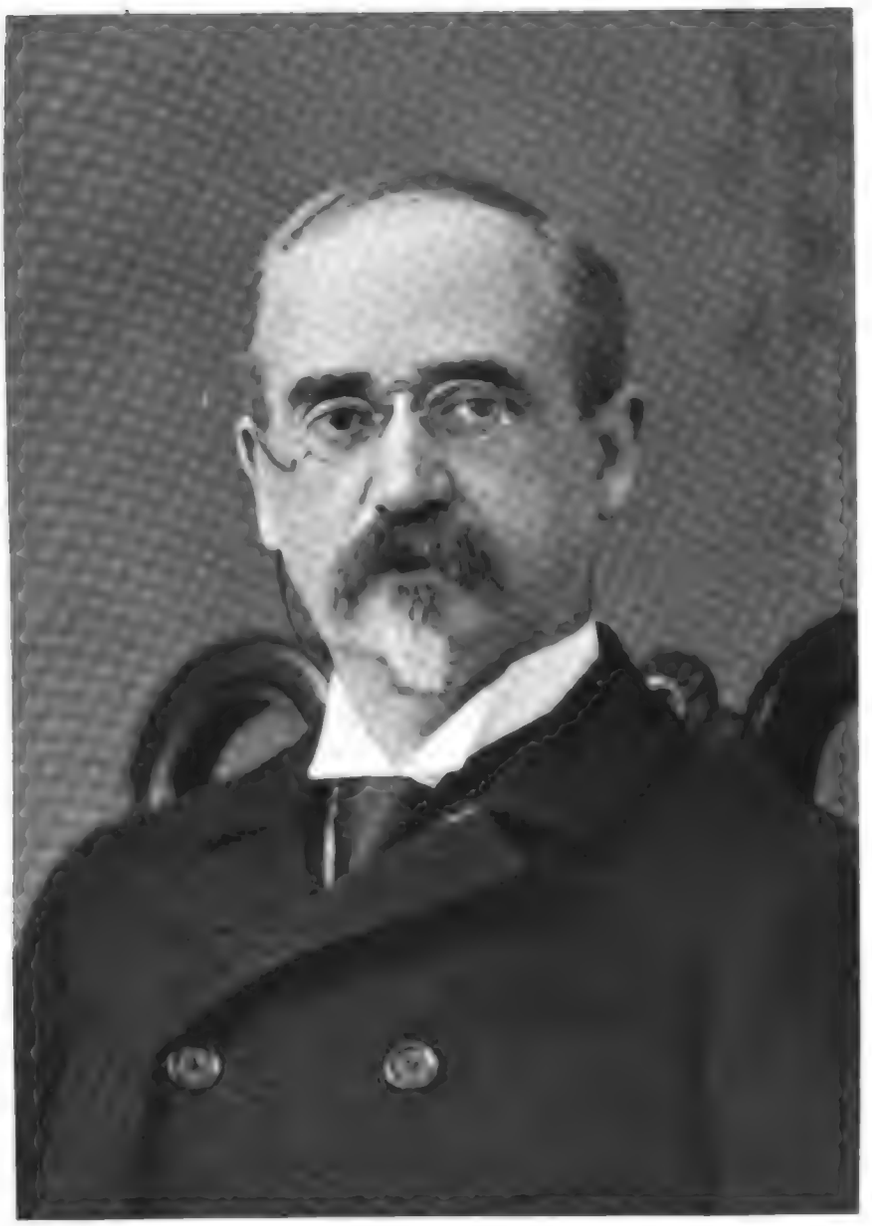

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school he was employed for some time as book-keeper by different firms and corporations, until the war of the Rebellion opened. He tendered his services to the government as a volunteer in 1861, but was rejected by the medical examiners. In deciding to enter the profession of law he was influenced in some degree by his own inclination and largely by the advice of friends who recognized his natural fitness for the profession. For a term of four years he sedulously pursued the preliminary studies, and was admitted to practice in May, 1866. After four years alone he formed a partnership with Honorable John Little, under the firm name and style of Little & Shearer. This association for business was maintained seventeen years, during which the firm acquired a very large practice and a reputation scarcely second to any in that section of the State. Judge Shearer had treasured valuable stores of learning by reading and study before he began the study of law. His mental powers were sufficiently matured to analyze and utilize his acquirements. He had been a careful reader of books and a close observer of the proceedings of courts, and was able, therefore, to become a recognized power at the Bar of his county very soon. His resolute determination not to abandon the profession for political office, or even allow his allegiance to be divided or distracted by political and partisan interests, contributed largely to his professional success and standing. He devoted the best powers of his intellect and all of his acquired abilities to the profession. He respected the jealousy of his mistress—the law—and never gave occasion for the manifestation of it by flirting with other pursuits. Entertaining strong convictions on vital questions of political economy, and exercising the right of individual judgment in determining his political relations, he has been a member of the Republican party and a supporter of its politics; but he has not turned aside from the professional course to ask partisan favors or seek political office. He has not been a candidate for any office apart from the administration of the law. In 1872 he was elected prosecuting attorney and re-elected in 1874, holding the position two terms and discharging its trying duties with incorruptible fidelity. In 1886 he was elected judge of the Circuit Court as the candidate of the Republican party, and before the close of his first term he was re-elected, in 1892, for a second, which will expire with the present century. His work on the Bench has been entirely creditable and honorable to himself. It has been eminently satisfactory to members of the Bar and the public. In September, 1896, he was elected Chief Justice of the Circuit Court of Ohio, and took the office January 1, 1897. His career is briefly characterized by able members of the profession who know him intimately: Judge Shearer has a very high reputation, both as a citizen and a jurist. He belongs to that class who raise themselves by their own efforts, by virtue of their own abilities and perseverance. He did not have the valuable aid of influential friends in getting a start; neither did he have the advantage of a collegiate education, and yet he is a well educated man. He is one of those who consider the education never completed; who realize that however much has been learned there is still more that may be learned by intelligent

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application. He is and has been from his youth a close student, both of text-books and general literature. Soon after beginning the practice he made a reputation as a strong lawyer. During the years of his association with Mr. Little he attended to most of the office and chancery practice of the firm; although from this circumstance it must not be inferred that he was not a successful trial lawyer. He is a good all round lawyer, but seems best fitted by nature for the Bench, or chancery practice. He is methodical and conservative, has an accurate knowledge of law, an equitable mind, discriminating judgment, is clear and concise in his statements. As a judge his decisions are marked by fairness; they have not only given satisfaction, but have also stood well the test of the higher courts. He is a man of strong parts and his profession is his pride. He is regarded one of the best informed men on the legal code in the State. His service on the Circuit Bench now covers a period of nearly ten years, the last three of which he has been presiding judge. He is well qualified to fill the highest judicial office in the State. All who know him have unbounded confidence in his integrity and hold him in the highest esteem as a citizen. One of the most prominent and widely known jurists of the State says Judge Shearer is a man of strong intellect, well adapted, both by nature and education, for the judicial ermine. He has a logical and analytical mind, which has been disciplined into a full and accurate knowledge of legal principles and decisions acquired by many years of industrious study and practice, and ten years of efficient service on the Bench of the Circuit Court. His readings have not been confined to the legal code. He is a student of nature as well as of books and a close observer of passing events. This has broadened his mind and increased his capacity for the judicial office. He is full of historical and legal knowledge, and of sufficient courage and conscience not to hesitate in the performance of any duty. Upright and honorable himself, his work on the Bench bears the impress of his impartiality. He has honored his profession by a strict adherence to his duties connected with it. He has not turned aside for the alluring field of politics or other employment. He is a lawyer and a judge from choice and love of the profession. As a lawyer he was successful, as a judge his career has been most honorable. The education which he acquired under preceptors has been supplemented by knowledge gleaned from a wide range of literature and by the wisdom which comes from years of active practice at the Bar and the performance of judicial duties in one of the most important courts of the State. Judge Shearer has not neglected the cultivation of his social faculties. He is a member of the Masonic order, as well as clubs in Dayton and Columbus. He was married in 1872 and has one daughter living. He has a pronounced taste for home life, where he delights to spend his leisure hours with his family.

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RALPH BUCKLAND, deceased. The Bucklands of Sandusky county are of English descent. Their settlement in Ohio dates from the beginning of the present century. For at least two generations prior to that time they resided in New England. The founder of the family in America was a citizen of Hartford in colonial times. Stephen Buckland, of East Hartford, a son of the aforementioned, was a patriot and a brave soldier during the Revolutionary War. He commanded first an independent company of artillery, which afterwards was mustered into the regular service of the Continental Army and stationed for a time at Ticonderoga. Afterwards he was a captain in the Third Regiment of Continental Artillery and served with Gates in his campaign against Burgoyne. He was for a time on command at Fort Arnold, at West Point. About the time the war closed he became captain of a privateer, which was captured in April, 1872, by the British brig, Perseverance. From that time until his death the following month he was kept in close confinement with other officers and his crew, in the "Old Jersey," the British Prison Ship, where he died May 7, 1782. His wife was Miss Mary Olmsted, by whom he had six children. The youngest of these was Ralph Buckland, born July 28, 1781. He was married in Massachusetts to Ann E. Kent, who became the mother of his three children. In 1811 Ralph Buckland came to Ohio as a surveyor and land agent, settling in Portage county. The following year he returned to Massachusetts and removed his wife and two infant children to his new home in the West. The entire journey was made in a sleigh, with one horse. One of the children, a daughter, died on the way and was buried at Albany, New York. A short time after his arrival with his family in Ohio he volunteered and marched, July 4, 1812, with Captain Campbell's company, in which he was second sergeant. The destination was Detroit, then in command of General Hull, who was governor of the territory of Michigan. Before the arrival of the company, which had been subjected to suffering and hardship by the march through the wilderness, without sufficient provisions or camp equipments, General Hull surrendered, not only the garrison at Detroit but also the recruits en route to reinforce him. Mr. Buckland, with his command, was therefore paroled as a prisoner of war at the River Raisin and returned to his home at Ravenna, where he died May 23, 1813. He left two sons, Ralph Pomeroy, the principal subject of this biographical sketch, and Stephen, who carried on the business of druggist at Fremont for nearly forty years.

RALPH POMEROY BUCKLAND was born at Leyden, Massachusetts, January 20, 1812, and within a very few weeks thereafter was brought by his parents to Ravenna, Ohio. As stated above, his father died the following year, and some time afterwards his mother became the wife of Dr. Luther Hanchett. His boyhood was spent at farm work and in the district school, which at that time was exceedingly primitive. Most of the time he was

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engaged at work for an uncle, in Mantua; for two years he was employed in a woolen factory at Kendall and one year in a store as clerk. At the age of eighteen he attended the academy at Tallmadge, Ohio, in which he took up the study of Latin. His education did not embrace a complete college course, but he spent a year in Kenyon College, Gambier, Ohio. He was fond of language and spent considerable time in the study of Latin and French, both at home and in the South. In the fall of 1831, before attaining the age of twenty, he shipped on a flatboat loaded with a cargo of cheese, at Akron, on the Ohio canal. The voyage was scheduled thence down the Muskingum river to the Ohio, thence to the Mississippi and down that to Natchez. Young Buckland worked his way from Louisville to Natchez as a deck passenger, on the Daniel Boone. Arrived at Natchez, he secured employment in a commercial house, and soon afterwards was placed in charge of some flatboats loaded by his employers for the New Orleans market. Having disposed of his cargo, he remained in New Orleans in charge of a commission house owned by his Natchez employers. He was industrious, economical and prudent, denying himself the luxuries and indulgences which seemed to be essential to many of his companions. He was strictly temperate and strong enough in will to control his appetites, and thus succeeded in forming the excellent habits which characterized all of his subsequent life. He employed his time sedulously in business during the hours devoted to work, and with equal diligence employed his hours of leisure in the acquirement of useful information and a review of his academic text-books. His money was saved, and the habit of saving then formed was the foundation of the substantial fortune which he afterwards accumulated. In three years he returned to Ohio to visit his mother, without having at the time any intention of abandoning New Orleans as a place of residence. He decided, however, to remain north and spend a year in Kenyon College. At the end of that time he took up the study of law at Middlebury under the instruction of Gregory Powers, then a prominent lawyer of the place. His preparatory studies were completed in the office of Whittlesey & Newton, at Canfield, and he was admitted to the Bar in the spring of 1837. During the previous winter he was associated with George B. Way, then editor of the *Toledo Blade*, and became editor *pro tem.* of that paper himself during the temporary absence of Mr. Way. His location at Lower Sandusky, now Fremont, was entirely fortuitous. He started out with fifty dollars in his pocket in search of a desirable location for the practice of law. It was in the days of wild-cat currency, when bank bills fluctuated in value, rarely remaining at par more than forty-eight hours, or passing current a hundred miles from the bank of issue. Arrived at this place, he found his capital valueless, and was obliged to obtain credit for a week's board. Undaunted and determined, he hung out his shingle announcing his readiness for clients. His natural ability and acquirements, supported by his pluck and energy, soon brought business to his office and he slowly began to accumulate the means to pay the few small debts incurred and for the comfortable living of later years. His character

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established his credit, even before he had the means to pay. He was methodical, industrious, devoted to his profession and to his family. In 1846 he formed a partnership with Rutherford B. Hayes, who, thirty years later, was President of the United States, and the partnership continued three years, until the removal of Mr. Hayes to Cincinnati. His later partnerships in the law were with Homer Everett, James H. Fowler, and last with his sons. He had always been a student of politics, and his views were strong and well defined. He was first a Whig and afterwards a Republican, from the time of the organization of the latter party. He served as mayor of his town and filled other positions in the corporation, and was elected to the State Senate in 1855 and again in 1857. In that body he was a working member, whose powers of original thought enabled him to conceive useful legislation, and whose character and courtesy gave him influence with fellow senators. He was the author of a wholesome law for the adoption of infants. Prominent among the traits inherited from his ancestors was the instinct of patriotism. It was quite natural for him to become a soldier when the integrity of the country was menaced. In October, 1861, he was appointed lieutenant colonel with authority to recruit and organize a regiment. Thus commissioned, he organized the Seventy-second Ohio Volunteer Infantry, which was mustered into the service with himself as colonel, January 10, 1862. In February he reported with his command to General Sherman at Paducah, Kentucky, was assigned to the Fourth Brigade, First Division, Army of the Tennessee, and placed in command of the brigade. As a soldier he was always alert and ready for duty. He took an early and extremely active part in the battle of Shiloh, and even those who are most severe in their criticism of the management of that battle admit that there was no surprise as far as General Buckland was concerned. He has written several articles about this battle which are published in one of the annual volumes issued by the society of the Army of the Tennessee, of which society he was long a member; and a short sketch prepared at the request of the war department and now on file in Washington, D. C. In that bloody conflict he earned enduring fame as a military hero. An officer who knew him well pronounced him the best soldier of his age in the volunteer service. General Sherman accorded him high praise for bravery and coolness at Shiloh, and for the splendid services which his brigade rendered. His soldiers were not panic-stricken, but when compelled to fall back did it in an orderly manner, contesting every foot of the field during the first day's battle, and aided in sweeping the enemy from the field on the second day. The great commander, Grant, recognized Colonel Buckland's skill in a letter to General Sherman, November 10, 1862, in which he says: "I will not be able to send you any general officers, unless possibly one to take command of the forces that will be left at Memphis. Stuart and Buckland will both command brigades, as well as if they had the commissions, which they should and I hope will hold." General Buckland possessed in a high degree the qualities which made a successful commander. He was not only brave, but calm in the midst of danger, able under all circumstances to take in a situation and make

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S M Douglas

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soil, tow-headed and freckled, bare of feet and stubbed of toe, checked as to his shirt and patched as to his trousers. He remained on the farm until he was twenty-one, attending a country school, and later an academy in Ashland county. Finally, against the wish of his father, who, though he did not undervalue educational advantages, and was fairly well educated himself, wished his son to remain on the farm, he went to Wittenberg College, in Springfield, and afterward to Heidelberg, in Tiffin, from which institution he was graduated in 1879. While at Heidelberg he was elected by the faculty of the college to represent that institution at the State Oratorical Contest held at Westerville, Ohio, in 1878. Of his struggles to obtain the means for an education it is needless to speak at length. It suffices to say that he taught school and kept up with his classes, was a tutor while in college, put in crops at home, and finally obtained his degree. He then read law with Judge May, of Mansfield, and in 1882 he entered the Senior year of the Cincinnati Law School, from which he was graduated with honor in June of 1883. He was chosen as one of the orators out of a class of seventy-nine to debate the question: "Should Trial by Jury be Abolished?" at the commencement exercises of the Cincinnati Law School. In July, 1883, he opened an office in Mansfield, his first partner being the city solicitor, John A. Connolly, and began the practice of his profession. It is said that to call forth all the latent energy of a man and make success a foregone conclusion, it is only necessary that he should saddle himself with a wife, a baby and a debt. Being a brave youth, and having the debt already, he hurried to provide himself with the remaining conditions of success, namely, a wife, and later on, a baby. On the 10th of October, 1883, Mr. Douglass married the writer of this sketch, whose maiden name was May Weagley. She is the eldest daughter of Captain William Hilary and Eleanora Weagley, of Bellville, Ohio. To Judge and Mrs. Douglass were born four children. On the 12th of September, 1884, a son appeared upon the scene, who was named Stephen Augustus Douglass. Following closely on his heels, a year and a half later, came a baby girl, born March 27, 1886, who was named for her maternal grandmother Eleanor May Douglass. After an interval of eight years, another little daughter came on the 29th of April, 1894, to gladden the hearts of her parents. She was a dear little blue-eyed, sunny-haired girl, but she fell a victim to that dread disease diphtheria on the 17th of March, 1897. She was named Marian Hilary, and when a new little brother came on the 12th of June, 1896, who was named Marion Drexel, and she was thereafter called by her second name, Hilary, she always insisted in an injured way that "baby brother tooked her name." Modesty is a characteristic of this Douglass family, and while the writer feels that she ought to efface herself as far as possible, she yet cannot but remind herself of the saying that "if any man blow not his own trumpet that man's trumpet will not be blown"; therefore, in justice to herself, she would like to say that she thinks Mr. Douglass did not do badly for himself in marrying her. As wife and mother she has looked faithfully after buttons and strings, manners and morals, grub

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and grammar. She does not model herself upon the perfect woman whose portrait appears in Proverbs, inasmuch as she is not given to arising while it is yet dark; in other respects she does not compare unfavorably with the above-mentioned perfect personage. If Mr. Douglass holds an adverse opinion, he has never yet demurred to her claim. Possessing the dogged perseverance of his Scotch ancestry, the stolid indifference to the "slings and arrows of outrageous fortune" of his German progenitors, and a certain lightness of heart, coupled with a sanguine temperament, which was no bad inheritance from his Irish and French forbears, Mr. Douglass waited cheerfully for the business which he felt was sure to come. A favorite saying of his was that "everything comes to him who waits," and the event proved its truth. Business grew steadily and prosperity followed in its train. He was appointed mayor of Mansfield and served six months. Then he was elected city solicitor and served two terms. This closed his official career for a number of years, but in November, 1896, he was elected to the Circuit Bench of the Fifth Judicial Circuit of Ohio. This circuit is composed of the following counties, viz.: Richland, Ashland, Wayne, Stark, Tuscarawas, Muskingum, Perry, Morgan, Coshocton, Holmes, Licking, Knox, Delaware, Fairfield and Morrow. Mr. Douglass may be regarded as something of a "joiner," as the following rather formidable list of initials will show: He is a member of the Alpha Gamma Chapter, Beta Theta Pi; a member of Monroe Lodge No. 224, I. O. O. F.; also a member of Madison Lodge No. 56, K. of P.; and he is an Elk, a member of Mansfield Lodge No. 56, B. P. O. E. He prides himself on being a Democrat of the Jacksonian school. To a Republican wife it seems rather a thing to keep in the background, and to be mentioned with some degree of shamefacedness,—still, there is no accounting for masculine idiosyncrasies, and I suppose that I dare not suppress the fact, much as I should like to. There is a degree of excuse for him, too, inasmuch as a "tiger may not change his spots nor an Ethiop his skin" when they are born that way. He has most pronounced political convictions. He believes and has advocated, by speech and pen, the supremacy of the Nation, the autonomy of the States, local self-government, a tariff for revenue only, and bimetallism, or the free and unlimited coinage of both gold and silver as basic or primary money. It is a saying of his that "a man inherits his politics but marries his religion," and this is why he is a brother-in-law to the Presbyterian Church. Mr. Douglass's literary tastes cannot be said to be exactly catholic, since he cares little for poetry, and less for fiction. His good, old United-Presbyterian father brought his boy up to eschew "novels" as he would evil and, like George II., he saw no good in "bainting and boetry" himself and did little to recommend either to his son. He urged instructive things upon him and, while a small boy of seven or eight, Marion committed to memory the "Shorter Catechism," and, as a natural result of having to wrestle at that tender age with "Foreordination" and "Effectual Calling," he has a boy of his own who, having attained the ripe age of thirteen years, is still in ignorance of "the chief end of man." When the "Shorter Catechism" came trippingly from his tongue, he began to

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commit Watts's hymns. These, he thinks, destroyed in him any incipient love of poetry which might have been secreted in his system, for the mere sight of lines which rhyme turns him faint. Such has been the effect upon him, of parental disregard for the graces of literature. When his stern parent turned his attention to the Scriptures and said: "My son, you will now begin to learn the 'Gospels,'" he began them with spirit, foreseeing an end sometime. When they were finished, he was told that he would now begin "Acts," and saw, in the not far distant future, the prospect looming up of having to commit the whole Bible, so he issued then and there a "Declaration of Independence." He would learn no more verses then or ever. He had no access to children's literature. He read "Fox's Book of Martyrs" and "Baxter's Saints' Rest," and Josephus' and Dick's Works, and other dreary literature of that sort; and, if these were thought to be "too strong meat for babes," there were subscription books of the sort that find their way into rural districts, "Mother, Home and Heaven," "The Presbyterian Church throughout the World" and "Good Health and How to Take Care of It." Nothing cheerful ever fell in his way except the jokes in the almanac, which, doubtless, is the reason that a certain boy I wot of has shelves in the library which hold Robinson Crusoe, Swiss Family Robinson, Don Quixote, Gulliver's Travels, Lang's and Andersen's Fairy Books, Tom Brown at Oxford and Rugby, Kipling's Jungle Books and other books galore in which the heart of a boy delights. As a natural result of such training, Mr. Douglass is fond of history, of biography, of essays and treaties of divers sorts, and cares nothing at all for the last new novel. He is fond of sports. He enjoys a ball game and a horse race. He is fond of a tramp in the woods, but the squirrels are safe. He is not in the least like the Englishman who says, "This is a fine morning,—let us go out and kill something." He will sit on the banks of a stream with a book and bait hooks uncomplainingly all day for wife and children, provided he is not asked to hold a rod. He is an enthusiastic gardener, and trees and shrubs of his planting must perforce grow, whether they want to or not, and he hangs over his beds of early vegetables with the enraptured gaze of a lover. Since he has become one of the three owls who walk into the court room once a week to give a guess at the legal conundrums of the day, his garden rather suffers. He loves his friends and, though he wouldn't acknowledge it, his enemies too, for it is a lament of his, now and then, when treated unfairly, that he cannot remember and revenge an injury. Life, he says, is too short to harbor bitterness towards one's fellow men. If, as somebody has said, "genius is an infinite capacity for taking pains," then his genius is of a high order, for he is careful and painstaking to the last degree. He is likewise a student, a clear, logical thinker, a man of action with vast capabilities for work. Personally, he is a gentleman—well-bred, courteous, dignified and of fine presence; a good husband and the best father in the world to three interesting children—two boys and a girl. In brief, "his life is gentle, and the elements so mix in him that Nature may stand up and say to all the world, 'This is a man.'"

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cratic party as its candidate for probate judge, and the following fall was elected by a large majority, running four hundred ahead of his ticket. In 1893 he was renominated and elected for a second term without any opposition. In 1884 he was united in marriage to Mary J. Cummins, of Shelby, Ohio. They are the parents of two children—a daughter, Angeline Cummins Brucker, and a son, David Ferdinand Brucker. In February, 1897, at the expiration of his term as probate judge, he opened a law office in Mansfield with D. W. Cummins, under the firm name of Brucker & Cummins, where he is now engaged in the practice of his profession. His deep convictions, dauntless courage, and unyielding persistence are among the sources of his power. Probably his strongest characteristic is indomitable persistence. An eminent judge says that he possesses much more than ordinary native ability. He has very strong determination, is exceedingly positive and decided in his character. He is an excellent organizer in political affairs, and is absolutely honest in all his doings. As a lawyer he is untiring in acquiring every fact of a case, either pertaining to the law or the evidence. He is careful and painstaking and is an excellent all round lawyer. He served on the Democratic State executive committee in 1894-5 and was chairman of the Democratic county central committee at the same time. He has been on the executive committee most of the time for the past ten years. He never aspired to any office excepting that of probate judge, which he filled so satisfactorily. This office in Richland county is of unusual importance on account of its more extended jurisdiction in comparison with other counties. It includes foreclosure of mortgages, partition, divorce and alimony. Judge Brucker is a Knight Templar, an Elk, a Knight of Pythias, and also belongs to the Knights of Honor. He takes deep interest in the various orders. For the support of churches he is a liberal contributor, but does not confine himself to any one sect or creed. He is a good financier, was one of the original incorporators of the Bank of Mansfield, and has been on the board of directors since its organization. He is strong in solving technical, involved and complicated legal problems, particularly in corporation law.

HIRAM CLARK GLENN, Van Wert. H. C. Glenn was born on a farm near New Philadelphia, Tuscarawas county, Ohio, October 8, 1838. He is of Welsh and Irish extraction. His father, William Glenn, was a native of Ohio, born in Jefferson county, 1807. His grandfather, Thomas Glenn, was a native of Ireland who emigrated to America in boyhood and served as major in the War of 1812. His mother, Priscilla Biddison, has a Puritan Christian name and Welsh ancestry. She was born in Ohio county, Virginia, in 1810. Phillip B. Glenn, the only and elder brother of Hiram, was orderly sergeant of Company K, 46th Regiment Ohio Volunteers, and was the first member of his regiment killed in the battle of Pittsburg Landing on April 6, 1862. His two sisters are dead. The family of our subject moved to Van Wert early in the year 1839, when he was only four months old. The entire country in that section

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of the State was at the time a wilderness. He worked on a farm and attended the country schools not to exceed two years in the aggregate. And this was the limitation of his attendance at schools of any kind. In order to be self-supporting he learned the trade of house painter, at which he worked for a period of seven years. At the age of twenty-four he began the study of law in the office of J. H. Kroh, which was continued under the instruction of Judge O. W. Rose. During the period of his student life in the law offices he supported himself by the business of pension agent. For about a year beginning in 1864 he was the owner and publisher of the *Van Wert Bulletin*. He was admitted to the Bar in 1867 and the same year was elected justice of the peace. The practice of his profession as such, with a view to making it his only business, was begun in 1870 and continued alone for about nine years. In 1879 he formed a partnership with Senator G. M. Saltzgaber, which was continued for ten years. His legal business is general in character, embracing all of the routine which belongs to the practice of a country lawyer. It covers cases of every grade, whether litigated or *ex parte*, tried in the Common Pleas or Circuit Courts, or of sufficient importance to be taken to the Supreme Court on error. It may fairly be said that his undivided attention has been given to the law since he first entered upon the practice, although he has been active in advancing the interests of the Republican party. He has acted from conviction and given considerable attention to politics from the time his first vote was cast, only three days after attaining his majority. He has never failed to vote at any election since that time. For several years he was chairman of the county committee. In 1870 he was elected mayor of Van Wert and served one term. In 1884 he was the candidate of his party for Congress in the district, which was strongly Democratic, and came out of the contest a thousand votes ahead of his ticket. In 1892 he was appointed judge of the Court of Common Pleas for the Third Judicial District of Ohio by Governor McKinley, to fill a vacancy in that Court. Judge Glenn was married in 1865 to Georgiana C. Baughman, of Plymouth, Richland county, Ohio, whose family came to the State from Pennsylvania. He has no living children, but an adopted daughter for whom he has the same affection as a natural parent. He is a member of the Methodist Episcopal Church and a prominent Odd Fellow, having filled all the offices in the Grand Lodge except that of Grand Master. He is chairman of the Board of Trustees of the Odd Fellows' Home at Springfield. In 1879 he assisted in the organization of the Van Wert Gas Light Company, of which he has been president continuously. He was also one of the organizers of the Van Wert Telephone Company in 1894 and elected president of the company, which position he still holds. Some idea of the character and standing of Judge Glenn in the profession may be obtained from the opinions of other members of the Bar. One prominent attorney says: "He is a good lawyer and always quick to take advantage of anything which may favor his side of a case. All concede that he is a successful attorney and a good counsellor; that he gives a great deal of care to the preparation of his cases, is a ready speaker and successful advocate, as he is usually able to make the jury accept his view

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of the case. During his association with Mr. Saltzgaber the firm had the largest business of any in this section and Judge Glenn now has a good practice, which increases year by year. He is classed by the Bar as one of the leading lawyers of the county. He has a beautiful home and is very domestic in his tastes." Another lawyer says: "Judge Glenn stands high as an attorney and a citizen. He has a large and growing practice and is one of our most influential townsmen, progressive and public-spirited. He owns a considerable amount of property, all of which he has acquired himself. He is firm in his convictions and never backs down when he believes he is right. He is affable and courteous, and liberal in his contributions to charity." His wife is president of the City Relief Society and a leader in all benevolent or charitable work. She was one of the organizers of the Van Wert Library Association, which is in a most flourishing condition. Mrs. Glenn is a physician, being a graduate of the Women's Medical College of Pennsylvania, where she took a two years' course after having spent one year in the medical department of the University of Michigan. Her course of study and lectures were supplemented by six months' practice in the Women's Hospital in Philadelphia. After her graduation in 1874, she had a most successful practice of ten years, at the end of which time she retired from practice, and has since devoted her time to the public and charitable enterprises of the village.

LABAN S. SHERMAN, Ashtabula. Honorable L. S. Sherman was born in Berkshire county, Massachusetts, April 7, 1814. His father, John Sherman, was a farmer. The Shermans were originally English and among the early emigrants from the mother country to New England. His mother's maiden name was Sylvia Smith and she died when Laban was about two years of age. The father married again and removed to Ohio. Mr. Sherman remained with his grandmother, uncle and aunt until he was ten years of age, when they removed to Manchester, Ontario county, near Clinton, New York. Up to this time he had been in the district schools. He then entered the Academy at Canandaigua, New York, where he was prepared for college. He entered Williams College, Massachusetts, in 1834, and remained through the Junior year. Leaving college in 1837, he came to Ashtabula and entered the office of Marvin Sawtell and began the study of law. He remained in this office for a year and a half, when he entered the Cincinnati Law College, receiving his degree of Bachelor of Laws in the spring of 1839, and later Western Reserve College conferred upon him the degree of LL. D. Returning to Ashtabula, he at once commenced the practice of law alone. In 1842 he formed a copartnership with Charles Booth, under the firm name of Sherman & Booth. This firm was dissolved three years later. He then practiced alone until Mason King, who had been a student in his office, was admitted to practice, when the firm of Sherman & King was organized. This partnership continued until the death of Mr. King, in 1857. Shortly afterwards he formed

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a copartnership with J. Q. Farmer, which lasted until 1864, at which time Mr. Farmer removed to Michigan, where he afterwards became a judge. Honorable E. H. Fitch then became his partner, continuing as such until 1867, when Theodore Hall (who had previously been a student in the office of Sherman & Farmer) entered into a copartnership with him which continued until 1875. In the fall of 1876 Mr. Sherman was elected judge of the Court of Common Pleas, taking his seat in February, 1877. He was twice re-elected, serving continuously fifteen years. He retired from the Bench in 1892 and at once formed a copartnership with A. P. Laughlin, the firm being Sherman & Laughlin, and this association has since continued. Judge Sherman is an accomplished lawyer and an able jurist. For thirty years he was the recognized leader of the Ashtabula county Bar. His reputation as an advocate was by no means confined to his county or State and his services have been much sought in the trial of important cases. He has been called to conduct cases in Pennsylvania, New York, Indiana, Illinois and Iowa. He possesses all the natural qualities of mind that are necessary in a great lawyer. His perception is keen and his mental movement quick. He has always been a close student and his love of labor, coupled with his natural ability, made of him one of the ablest advocates and jurists of his time. He conducts the trial of a cause with skill; his arguments to the court are strong, clear and forcible; and to the jury his persuasive style of oratory carries with it great weight. Long ago he became noted as an orator. His promulgation of his party's principles being clear and powerful, his services in that line were, in his earlier days, much sought for. Judge Sherman has lived a life of the most exemplary character and has as large a circle of friends and admirers as any man who ever lived in Ashtabula county. He was originally a Democrat and with Rufus P. Ranney made a number of political speeches for Van Buren. In 1847 he went over to the Free-soil party, and with Joshua R. Giddings attended the convention in Buffalo that nominated Martin Van Buren for President. He has been identified with the Republican party since its birth. In 1840 he was elected prosecuting attorney and served one term. His competitor in the race was Sutliff, a partner of Joshua R. Giddings. In 1852 he was elected a member of the legislature, serving two terms in the Ohio Senate. In 1841 he married Mary Eliza Jenks, of Saybrook, Ashtabula county, and by this union eight children were born, of whom four are dead: a daughter who died at the age of five, and three sons who grew to manhood and were promising lawyers at the time of their death. Of the living, Frank is now engaged in the lumber business in Arkansas; Laban has been engaged in farming and merchandising; Mary is the wife of Proteus Kepler; and Zillah, unmarried, resides with her father.

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THOMAS CORWIN, Lebanon. It is difficult to condense within the limits of a thousand words a satisfactory biographical sketch of a man whose biography properly written should fill a large volume. Thomas Corwin was born in Bourbon county, Kentucky, July 29, 1794, and died in Washington, December 18, 1865. At the age of four years he was brought to the Territory of Ohio by his parents, who settled in the wilds of Warren county, and later in the town of Lebanon, where his father, Matthias Corwin, served as a judge. In boyhood he attended school in the log school house, for the few months he could be spared from work, and never had the opportunity of attending a higher school. His education was not obtained from the study of text-books under instruction, but from association and contact with the world, and by reading books of biography and history and science, by the firelight, after his "school days" were over. His technical knowledge was very limited, but his education was very broad, and his learning great. He won notoriety while yet a boy by driving a wagon loaded with army supplies to the headquarters of General Harrison during the War of 1812. At the time of performing this needful service he little dreamed that his fame as "the wagon boy" would make him governor of Ohio, representative in Congress and senator of the United States. It would be rash to claim so much for it now, but there can be no doubt the circumstance contributed largely to the personal popularity which made him an idol of the people. At twenty-one he began the study of law, to which he applied himself with all the earnestness of a very ardent nature, so that he was qualified for admission to the Bar the next year. In 1818 he was appointed prosecuting attorney for Warren county, and held the office twelve years. In 1822, and again in 1829, he was elected representative in the legislature of the State. In 1830 he was elected to Congress, and continued his membership in that body, by successive elections, for ten years. Before his first election to Congress he had established himself in the law and built up a remunerative practice; but when once upon the sea of politics, for which he was most admirably constituted, he could scarcely be content with a law practice, even if the people had permitted him to remain in private life. His campaign for governor, in 1840, on the Whig ticket, was one of the most memorable ever made in the State by any man. He was then in the very prime and vigor of middle life, heartily in sympathy with his party and with General Harrison, its candidate for President. Thoroughly conversant with the issues of the campaign, he presented them with matchless eloquence. He was master of all the arts of the trained orator and withal was natural and unaffected in manner as a child. His speech fairly sparkled with wit and humor. He was equally master of pathos and ridicule, panegyric and philippic, employing them as occasion demanded with consummate tact and irresistible power. Mr. Corwin was not re-elected governor, but in 1845 was elected to the United States Senate, in which he served one term. His great speech in opposition to the bill appropriating funds for the prosecution of the war with Mexico chilled the popular enthusiasm for him as a leader, and he was allowed to remain in private life, practicing law at Lebanon and Cincin-

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nati, until 1858, when he was again elected to Congress. President Fillmore had appointed him secretary of the treasury, however, at the close of his term as senator, and he served to the end of the administration, March 4, 1853. He supported Mr. Lincoln on the stump very effectively in 1860, and among the early appointments made by President Lincoln was that of Mr. Corwin as minister to Mexico. He remained in Mexico four years, and upon his return settled in Washington for the practice of law. He was stricken suddenly with fatal illness, while surrounded by a party of Ohio friends, and died in three days. Mr. Corwin was a good lawyer and a great advocate; but his mind was not eminently judicial, nor did he possess remarkable talent for the purely technical construction of the law. He was too broad, too generous, too noble to find pleasure in the nice legal distinctions which measure so much of the professional ability of many practitioners. His understanding of principles was profound; his memory was accurate and retentive. He read much, notably of history and biography. His knowledge of the sacred Scriptures was marvellous, and his reverence for piety, truth and goodness was sincere. He was a large man every way—in stature, breadth and depth of chest, a massive head set firmly on his powerful shoulders, with a short neck. His complexion was swarthy, his eyes brilliant, and his facial expression most wonderful. His power as an actor was superb in its naturalness, and in no other aspect was it so remarkable as in the capacity of the face to express all the emotions with which the human mind or heart is familiar. His humor followed his pathos so closely as to instantly change grief into mirth, and illume with a smile the countenance which he had clouded with sorrow by his last sentence. As Colonel Parsons says:

"I have seen a vast multitude of men and women before him with faces actually bathed in tears, suddenly breaking into the most boisterous, convulsive laughter, so that tears were actually arrested half-way down the cheeks, where they glistened like dew drops of the morning on the countenances of the 'weepers,' in doubt whether to dry up in the sunlight of comedy, or proceed upon the sorrowing mission on which they were originally sent to travel. As a mere orator Mr. Corwin excelled any man it has been my fortune to hear. So full of wit, humor, pathos, learning, history, imagery; a manner so charming and magnetic as to be fascinating beyond description, and a face so variable and wonderful in its power of expressing emotions that no man could look upon it without yielding at once to its bewitching influence. In private life, at the social board, he was the center and idol of the circle, and when in Congress in the latter years of his life, he was always surrounded by members who loved and honored him, and were delighted to listen to his charming conversation."

HENRY C. NOBLE, Columbus. Henry C. Noble died at his home in Columbus, December 12, 1890. The Franklin County Bar Association held a meeting and adopted a memorial reported by a committee of leading members of the association. The memorial, which it is understood was prepared by Honorable Richard A. Harrison, is so complete and so admirably adapted as

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a biographical sketch for the "Bench and Bar of Ohio," that it is copied herein: "Mr. Noble was a native of the city of Lancaster, Fairfield county, Ohio. He was born February 28, 1826. His parents were Colonel John Noble and Catherine (McDill) Noble. His father and grandfather, originally of Lancaster county, Pennsylvania, emigrated to Lancaster, Ohio, in 1811, from Hagerstown, Maryland, his father then being in the twenty-second year of his age. In March, 1832, his father and family removed to Columbus, where they resided until 1840, when they removed to Cincinnati. In 1845 they returned to Columbus, and again to Cincinnati in 1846. After residing there until 1850 they finally settled permanently in Columbus. Colonel John Noble was one of the enterprising early settlers of Ohio; was a soldier of the War of 1812, and was, for many years, one of the best known and most useful citizens of the State. He was universally respected and esteemed for his high character, his public spirit, and his friendly, generous and charitable disposition. He died in 1871. Under the operation of the powerful law of heredity these personal qualities and characteristics of the father were fully developed and strikingly exemplified in the life and character of the son. Henry attended private schools in Lancaster and Columbus. Upon the removal of the family to Cincinnati, in 1840, he attended 'The Cincinnati College,' and there had the benefit of more generous instruction than could be had in Lancaster or Columbus. Professor O. M. Mitchell, the eminent astronomer, and afterwards a distinguished general in the war of the Rebellion, was his instructor in mathematics, for whom Henry formed a warm attachment, and to whom he attributed no little influence in the formation of his character. In 1841 Henry became a clerk in a dry goods store in Columbus, in order to acquire a knowledge of practical business methods. At the end of the year he returned to 'The Cincinnati College,' where he was a student until the spring of 1843. Upon leaving there he entered Miami University, and graduated in 1845. He shortly afterwards commenced the study of the law in the office of Edwards Pierrepont and Thomas Sparrow, in Columbus. After reading with them for a few months he entered the office of Henry Stanbery (who became shortly before the first attorney general of the State) and completed his law studies with him. Mr. Noble was called to the Bar on the 14th of December, 1848, and at once entered upon the practice of the law in the State courts, and also in the Circuit and District courts of the United States for the District of Ohio, which were then held at Columbus. He had his desk in the office of Mr. Stanbery until the latter removed from Columbus to Cincinnati in the year 1853. Mr. Noble's association with Mr. Stanbery during these eight years was of inestimable value to the former. In some respects Mr. Stanbery was the most accomplished lawyer at any Bar in any country, and no better fortune could have befallen Henry C. Noble than to have such a lawyer to direct and shape, during the formative period of his character, the course of his legal life. Mr. Noble commenced the practice of the law when the Bars of Columbus and Lancaster and other towns in the State were composed of lawyers who have never been surpassed and seldom equalled. There was then at

this Bar not only Mr. Stanbery, but Joseph R. Swan, Noah H. Swayne, P. B. Wilcox, John W. Andrews, and others; at the Lancaster Bar, Thomas Ewing, Hocking H. Hunter, and John T. Brasee; at Chillicothe, Thurman, Leonard, Scott, and Creighton. The Bars throughout the State were animated by the loftiest conception of the position, duties and qualifications of the profession. Mr. Noble's moral character, deportment and promise attracted the attention and regard of the leaders, and he formed ennobling intimacies with them. His career shows how powerful and ennobling was the influence which they exerted in the formation of his character as a man, as a citizen and as a lawyer. Shortly after Mr. Noble entered upon the practice Mr. Stanbery called him into a 'patent case.' Mr. Noble took hold of the case with zeal, and Mr. Stanbery put him forward in the management of it. In the hearing and argument of the case Mr. Noble displayed such marked aptitude and skill in mastering and handling the peculiar questions of fact and of law which this class of cases involves, that he was afterwards retained in many such cases while the Federal courts were held in Columbus. From the time Mr. Noble was called to the Bar until he retired from the general practice in the year 1876, he followed his profession with untiring zeal and perseverance, and with great success. His practice embraced cases in every department of the law, but his quickness and business-like capacity enabled him to carry on, successfully and alone, a large and varied practice, and at the same time devote a good deal of his time and attention to reading and study outside of the law, and to matters of public concern. Mr. Noble was in every respect admirably adapted to the profession of his choice. He had a clear, active, vigorous, discriminating, well developed mind. He had a retentive memory. He was fond of investigating legal principles, and also of studying and unravelling a complicated state of facts, and he did not weary in mastering the details of transactions. He had the rare power of seeing things in a practical, common-sense, true light, and of presenting them clearly in the same light to others. He could state legal principles or facts, however complicated, distinctly and concisely. He was always candid in stating and dealing with either facts or principles. He never attempted to spin fine webs of sophistry at the expense of common sense. He was an ideal representative of the best type of lawyers. As a lawyer 'of all work'—of work in every and any branch and department of the law—he had no superior at this Bar. He was always fair, honest and straightforward. He did not depend for success in a cause upon adroitness in maneuvering, but relied upon the merits of his case. He did not regard a lawyer as a mere implement or tool of his client, to be used at the client's pleasure for good or evil. He had a suggestive mind; its resources were varied; all all his intellectual movements were rapid; he had great elasticity of mind; many of his best thoughts came like flashes of lightning, hence he was very ready in the trial of a cause in meeting unexpected phases of it. As an advocate he threw not only his mind into a cause, but, when he felt sure his client's cause was just, his heart also. He was a persuasive, agreeable, fluent speaker. His vocabulary was rich. He was never at a loss for a word or an idea, and

was felicitous in his diction. He was not simply tolerably honest and candid, but thoroughly so. He was fair to all concerned in a trial. His personal and professional character was beyond reproach. These characteristics always secured for him a patient, attentive hearing before courts and juries. His professional honor and gentlemanly accomplishments, his kindly manner and ready sympathy, especially toward the junior members of the Bar, endeared him to his professional brethren; and his influence as a lawyer was as good as it was great. His professional conduct and life furnish a conclusive answer to the obloquy sometimes cast upon the whole profession of the bar by prejudiced or unthinking people. Mr. Noble set an example of undeviating integrity and fairness in all the relations of life. No pleasure could tempt him, no profit allure him, no ambition currupt him, no example sway him, no persuasion move him to do anything which he knew or surmised, or suspected to be evil. The universal and unbounded confidence of this community in the integrity, sound judgment, intelligence, and public spirit of Mr. Noble was conspicuously and conclusively shown a few years since, when Judges Bingham, Evans and Wylie appointed him to act with the county commissioners, probate judge, county clerk, and sheriff, in approving plans, drawings, representations, bills of material, specifications, work, and estimates of cost thereof, for the new court house for this county, in accordance with the statute in such case made. Mr. Noble was unanimously elected chairman of this commission and acted as such. The sequel demonstrated the wisdom of his appointment. * * * * There is no other instance, in Ohio at least, where the cost of a public building has been less than the appropriation. Every dollar expended on this court house was judiciously and honestly expended; the tax-payers received the worth of their money, and they have, at a comparatively low cost, the best court house in Ohio. Mr. Noble always took an intelligent interest in whatever projects were suggested or set on foot touching the growth, prosperity, development, improvement or honor of the city of Columbus. He was amongst the first to see and predict the rapid growth of the city which has since taken place. He was active and influential in promoting the development of the resources and trade of the Hocking Valley. He early perceived the expediency and wisdom of constructing a railroad from Columbus down that valley to Athens. Upon the construction of that road, he was elected a director of the company by which it was constructed, and acted many years as a member of the executive committee. He also favored the construction of a railway from Columbus to Toledo, to be operated in connection with the Hocking Valley road. Upon the organization of a company for that purpose he was elected one of its directors. In 1867 he was elected a director of the Columbus and Xenia Railroad Company, and was annually re-elected, and served continuously until his decease. In 1885 he was elected president of that company to fill the vacancy occasioned by the death of Judge Swan; and he has been re-elected annually since that time. In those positions he was not merely 'a figure-head,' but he took an active interest in the business which the law enjoins as a duty in such cases. On the 11th of March,

1872, Mr. Noble was appointed trustee of the State Blind Asylum, and continued to act as such, under re-appointments, until March 19, 1878, when he resigned. That trust and the trust as commissioner of the court house appropriation are the only public offices or public trusts which Mr. Noble ever accepted. It is well known that he was, on many occasions, tendered public positions, but he declined them. In the *State Journal* of 1856 is a card signed by him, declining to be a candidate for State senator. While Mr. Noble had decided convictions upon political party questions, he was too independent and conscientious to wear a party collar or obey the edicts of a party caucus. This was one of the reasons why he declined political preferment. He also, doubtless, believed he could be more useful to the public out of office than in. And it is certain that he did render much valuable, gratuitous service to the public, and, by his independent position, accomplished more for the community at large in some directions than he could have done had he been hampered by accepting partisan positions. Mr. Noble was the first president of this association after its revival. He was a member of the Ohio State Bar Association from 1880 until his death; and was treasurer from July, 1881, until December, 1882. So long as Mr. Noble practiced law he had a large 'office business.' The business men of Columbus advised with him, and he drew many contracts, wills, and other instruments. He was universally regarded as a safe adviser. Knowing the evils of litigation, he composed many threatening legal controversies. Mr. Noble administered many important private trusts. Confidence in his business sagacity and his integrity would have placed many more such trusts in his hands had he not declined them. Every trust which he accepted was administered judiciously and with scrupulous fidelity. Upon the organization of the board of trade of Columbus in 1883, Mr. Noble became a member of it. He was one of the most active, intelligent, useful and influential members. His legal knowledge, as well as business sagacity, gave weight to his opinions. Among the subjects which he persistently argued upon the attention of the board were questions involved in the solution of the momentous and pressing problem of the government of American cities. His last real work was the preparation of a well studied, able paper, embodying what he regarded as a practical solution, to a considerable extent at least, of that difficult problem, which he caused to be laid before the board for their consideration. This important paper has received favorable comment from gentlemen who have bestowed much reflection and research upon the working of municipal government in the United States, and the measures which may cure, or at least mitigate. Mr. Noble recently prepared and submitted to the judges of the Common Pleas Court rules for the government of the jail of this county. The judgment of no citizen of Columbus concerning any measure or project affecting her welfare was more sought for than Mr. Noble's; and he was always ready to carefully examine every such project, and give his best judgment in regard to it. Under a joint resolution of the general assembly, adopted April 19, 1883, Mr. Noble was appointed by

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the governor a member of a commission to make a careful examination as to the kind, amount and effect upon prisoners of the work performed in the penal institutions of the State, and as to all the facts pertaining to such work; and also to recommend such legislation as to the members should seem advisable to diminish or prevent evils or abuse, if any, arising from such work; and likewise to recommend the abolition of the convict contract system, if they thought necessary, and the substitution therefor of some other system of work, or such alterations in the contract system as such commission thought ought to be made therein. Mr. Noble devoted the greater part of a year to the investigation of the questions submitted to the commission, visiting other States to obtain knowledge upon the subject. The commission made an elaborate report to the general assembly. The recommendations of the report were adopted and embodied in a legislative Act. This Act contained some provisions which were not recommended by the commission. These latter provisions did not work well, and were repealed; but the provisions which were recommended by the commission remained in force, experience having demonstrated their practical wisdom. Mr. Noble united with the Westminster (Presbyterian) Church in the year 1863. At the time of his death, and for many years previously, he was a member of the First Church. His religious convictions were deep-rooted, but he was not socially austere. His religion was not a melancholy religion, but cheerful, inspiring, and practical, purifying the heart, governing daily conduct in all the relations of life, and affording true, substantial happiness. Like the greatest lawyer on the English Bench of his generation, Lord Cairns, Mr. Noble taught in the Sunday School. He did this, with the utmost punctuality and unfeigned pleasure, for thirty years. For many years Mr. Noble devoted one-tenth of his income to religious and charitable objects. This statement is made on the authority of one who has personal knowledge of its truth. In this, as in other matters, he hewed to the line of every admonition as well as every positive command of the sacred 'Word, which was a lantern unto his feet.' Although every one who knew Mr. Noble personally noticed the gentleness of his disposition, yet he was firm in the maintenance of whatever he believed to be right or expedient. But he did not possess the smallness of mind which makes some men ashamed to retract an opinion. The amiability of his appearance extended to his character, but his clear and keen sense of right developed strength of conviction and force of character. He had the courage to live manfully. He was free and genial in every company. He was fluent, entertaining and instructive in conversation, and of great vivacity. He was free from affectation or assumption, and was accessible and kindly to all. He was warm-hearted. His friendships were firm and well chosen. He was devoid of even a tinge of envy or jealousy. He had an open eye for the beautiful in nature and art. Mr. Noble filled so well the position in the social economy of this growing city to which the confidence of his fellow-citizens called him that it cannot easily be refilled. Although his position was not created by public law, he was, in the highest and best sense, a public man, and his death is justly regarded as a public loss.

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Geo. K. Nash

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re-elected, and during his terms of service was a faithful, efficient and successful attorney for the people. A few months before the close of his second term he resigned to look after important business matters that had been placed in his hands. For several years thereafter private law practice occupied his time and attention, and his reputation as a skilled and able practitioner steadily increased. In 1876 he made a gallant but unsuccessful fight as a candidate for Congress against General Thomas Ewing. In 1877 he was the nominee of his party for attorney general, but the entire Republican ticket met defeat. In 1879, at the Republican State Convention, he was again nominated on the first ballot for the office of attorney general, and was elected in October of that year. So acceptably did he discharge the duties of his position, that at the close of his first term (1881) he was re-nominated and re-elected, receiving a large majority over his opponent, Frank C. Doherty, one of the strongest men on the Democratic ticket. During his second term in April, 1883, he resigned the office of attorney general to accept the position of judge on the Supreme Court Commission, the appointment coming unsought from Governor Charles Foster. This commission completed its labors in April, 1885, when Judge Nash returned to a large and lucrative practice. An ardent and steadfast Republican from youth, Judge Nash has always taken patriotic interest in public affairs and an active and influential part in both State and National politics. He has often been intrusted with the leadership and management of his party, and always with honor to himself and usually with success for his party. In 1880 he was chairman of the Republican State Committee, and under his brilliant direction a majority of over thirty-four thousand was polled in the State for the Presidential candidate, James A. Garfield. In 1881 and 1882 Judge Nash also served as chairman of the State Executive Committee, the former year being the one in which Governor Foster was elected. In the State Convention held at Zanesville, June, 1895, Judge Nash received two hundred and seventy-nine votes as the nominee for the office of governor, and the fact that those votes came from sixty of the eighty-eight counties in the State was evidence of the popular esteem in which he was held. In the State campaign of 1897 Judge Nash was again placed in charge of the interests of his party, as the chairman of the State Executive Committee. As a lawyer, Judge Nash ranks in the very forefront of his profession. This was recognized by his being elected president of the Ohio State Bar Association, for the years 1896-7. He is a close, careful, indefatigable student; a logical reasoner and an argumentative, persuasive speaker; simple, clear, frank and straightforward in speech and manner, without the ornaments of oratory he carries conviction equally to the jury or to the political audience. Among the most important suits in which he has been retained as counsel, was that which arose between Mr. Vanderbilt of the New York Central, and Mr. Jewett of the Erie Railway. The issue was concerning the consolidation, by Vanderbilt, of the Bee Line with the Cincinnati, Hamilton & Dayton Railway. Judge Nash represented the opposition to the consolidation, and was eminently successful in the contest. Among the other many notable suits in which he

was engaged was that of the Franklin county Tally Sheet Forgery Cases, in which he assisted the prosecution. Judge Nash was president of the Columbus Constitutional Convention, 1891, called to draft the charter of the present municipal government for the city of Columbus. As a man, Judge Nash has the respect and confidence of his fellow citizens, including his political opponents, to a remarkable degreee. Especially is he the friend of those who need assistance, and many a successful lawyer owes his start and encouragement in the beginning of his profession to Judge Nash. Judge Nash was married in April, 1882, to Mrs. Ada M. Deshler, of Columbus. By this union there was one daughter. Mrs. Nash died in 1886, and the beloved daughter died in 1896.

AMOS WOLFE, Springfield. Whether or not Mad River township possesses a soil peculiarly adapted to the growth of professional men, it is true that it is the native place of several men who have attained a high position in the profession of law. General J. Warren Keifer, Judge F. M. Hagan, Honorable Samuel Shellabarger, Judge Summers, Honorable T. J. Pringle and others who have risen to prominence in law practice, on the Bench and in the field of politics, claim Mad River township as their place of birth. Among the number also is Amos Wolfe, the subject of this sketch. He can present a clear abstract of title to his American citizenship. His great-grandfather in his early days was a subject of King George of England, and in the historical struggle for independence was a commissioned officer in the American army; and after the colonies had established the right of self-government by their might, he cast his first vote for the first President of the United States. He lived to the age of one hundred and two years and died in the county of his nativity in Pennsylvania. Michael and Sarah Wolfe, the parents of Amos, were both natives of Pennsylvania, but came to Ohio in 1835, and settled in Clark county on a farm in Mad River township, where the early life of our subject was passed. He was born in 1841, and when he attained school age attended the public school of his district. In 1861 he entered Whittenberg College, but on the breaking out of the Rebellion he entered the army and served in the capacity of private soldier for four and one half months, when he was honorably discharged. He entered the Normal University at Lebanon, Ohio, and in 1864 was graduated from the business or commercial department. Deciding on a professional life, he re-entered Whittenberg College to complete his education and was graduated from that institution in 1868, after taking the full classical course. One year later he entered the Law Department of the University of Michigan at Ann Arbor and received his diploma in 1871. He was admitted to practice in all the courts of Ohio and Michigan the same year. He began practice at once in Springfield and remained alone for the first three years, when he entered into partnership with Allen H. Gillett, which continued for five years. Since that dissolution he has been alone. He has in the twenty-five years of his practice at the Springfield Bar built up a very substan-

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Gilbert H. Stewart.

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at that time the distinguished edi[illegible]

[illegible] William J. Roche, who is now known [illegible]

[illegible] the fall of [illegible]

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[illegible] Lorenzo Morris, [illegible] Morris [illegible]

[illegible] transferred his business to Canton, Ohio, and [illegible]

[illegible] in the law office of H. C. Clarke. [illegible]

[illegible] the office of Clerk of the District Court of [illegible]

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[illegible] the Honorable Charles N. Wade, [illegible]

examination consisted of Honorable George K. [illegible]

and Honorable Morton S. Benson. Mr. Stewart [illegible]

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Gilbert K. Chesterton.

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tial legal business and made a high reputation for integrity. In politics he is a Republican. Though he has not been active as a politician, he has taken considerable interest in the success of his party. He was for quite a period chairman of the county Republican committee. He has devoted his time and energies to his profession and has never aspired to or held any political office. As a citizen he is held in high esteem both by the profession and the public. He was married in 1879 to Miss Margaret L. Lorimer, of Springfield, Ohio, and is now living in the comforts and enjoyment of a happy and contented private life.

GILBERT H. STEWART, Columbus. Gilbert Holland Stewart, lawyer, judge, was born in Boston, Massachusetts, March 15, 1847. His father was Alonzo Stewart and his mother Isabella Ireland Stewart. Both were natives of Maine and descendants of early New England Puritanic stock. They settled in Boston in the spring of 1846. When he was five years old his parents removed to that portion of the city of Cambridge nearest to Boston, then and now known as East Cambridge, and known in Revolutionary times as Craigee's Point. He received his early education in the Cambridge public schools, entering the Cambridge High School in 1860, the principal of the school being at that time the distinguished educator, Lyman R. Williston. He graduated from the high school in the spring of 1864, the principal of the school then being William J. Rolfe, who is now known as the eminent Shakespearean scholar and text-book author. In the fall of 1864 he was admitted to Harvard University in the class of 1868. He pursued his course of study with success and high standing in his class, until the spring of 1867, the middle of the Junior year, when, impatient to engage in his chosen profession, he entered the Harvard Law School, becoming at the time a student in the law office of Lorenzo Merritt, East Cambridge, Massachusetts. July 19, 1867, Mr. Stewart transferred his residence to Galion, Ohio, and continued his legal studies at that place in the law office of H. C. Carhart. May 5, 1869, he was admitted to the Bar of Ohio by the District Court of Franklin county, Ohio. The motion to the court for the appointment of the examining committee was made by the Honorable Chauncy N. Olds, and the committee conducting the examination consisted of Honorable George K. Nash, Colonel J. T. Holmes, and Honorable Morton S. Brasee. Mr. Stewart practiced law in Galion until April, 1873, when he removed to Columbus, where he has since resided. Soon after his arrival in Columbus he formed a partnership with Captain R. P. Woodruff, attorney, which partnership continued for some six years and was then dissolved by mutual consent. When the Circuit Court of Ohio was established, Mr. Stewart's superior education, legal ability and success at the Bar were deservedly recognized in the fall of 1884, by his nomination by the Republicans of his circuit and election as judge of the Circuit Court of Ohio for the Second Circuit, to serve for the period of four years. At the end of his first term, in 1888, his successful service resulted in his renomination by

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acclamation, and his re-election to the office for the term of six years. At the annual meeting of the circuit judges of Ohio in 1892, he was chosen Chief Justice of the Circuit Court of Ohio for the ensuing year, 1893, and at the close of that year was re-elected by his fellow judges for the year 1894. At the expiration of his second term of judgeship in 1894, though universally urged to again accept, he declined a renomination, and retiring from the bench on February 8, 1895, resumed the practice of law at Columbus. Judge Stewart was a member of the board of education of Columbus, from 1880 to 1882, declining a re-election. He was elected a member of the city council of Columbus in the spring of 1884, but resigned his position upon his election to the Circuit Court the fall of the same year. In February, 1882, he was made lecturer on Medical Jurisprudence in Starling Medical College, Columbus, and in March, 1884, was elected to the professorship of the same subject, which position he still holds and in which subject he has become recognized as a high authority. January 20, 1897, Judge Stewart was elected by the members of the Columbus Board of Trade to the presidency of that organization, the membership of which embraces five hundred leading business men of the capital city. At the commencement of 1889, at the request of his college class-mates, he received the degree of A. B. from his Alma Mater, Harvard University. Judge Stewart was married on June 22, 1875, at Worthington, Ohio, to Clara Landon Ogden, daughter of the eminent educator, Professor John Ogden, who was at that time president of the Central Ohio Normal School at Worthington, and afterwards State school commissioner, North Dakota. Judge Stewart is known not only as a lawyer learned in his profession, with marked ability as a practitioner and a judge, but also as a gentleman of wide culture and unusual literary tastes and accomplishments. He is a clear and forceful speaker, a graceful and entertaining writer. Unquestioned integrity, unwearied energy and unfailing frankness and courtesy characterize him in every sphere of his life—the practice of his profession, his political career and action, and his social relations.

ANSELM T. HOLCOMB, Vinton. General Anselm T. Holcomb was born in Mason county, Virginia, March 14, 1803. His ancestors were New England people, who lived long in Connecticut. All of them were patriots, and some of them soldiers. His grandfather was an officer in the Revolutionary War. His father, General Samuel R. Holcomb, a citizen of Virginia, removed to Ohio when this boy, who afterwards became a general, was only one year old. The family settled in Gallia county, where the father became a very popular and influential citizen; a strong and capable man, possessing in an eminent degree the physical and mental qualities that fit a man for leadership. His stature was large, his bearing dignified and soldierly, his manners and address pleasant; and above all he was fortified by integrity of character, sagacious discretion and saving common sense, which gave him wide popularity and large influence.

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In the development of the frontier and the promotion of the public welfare by the active support of wholesome enterprises his influence was acknowledged. He was in the front rank of citizenship, and a leader in politics, serving his country both in the Senate and House of Representatives of the State legislature. He was a soldier and a commissioned officer in active service during the War of 1812, and afterwards received appointment as a major general of militia. Anselm T. Holcomb, the subject of this memoir, worked on his father's farm in boyhood, acquiring such education as could be obtained in the log cabin schools of that day, and in a select school kept in Gallipolis by the Honorable Thomas Ewing. He was assiduous and mastered the books which he studied, and whilst his education was liberal the best part of it was obtained by general reading. He read with avidity all the books available, and in this way became well informed on all subjects. His reading was never superficial; it was a study, so thorough as to enable him to talk entertainingly on all matters of history, science, politics, religion, and even literature. He was quite familiar with the varied interests of the community, the State and the Nation. He was accustomed to write and expressed his views forcibly on paper. He studied law at the age of thirty-six, and was graduated from the Cincinnati Law School in 1840. His ripe experience in affairs and general knowledge were the means of securing a profitable practice at once, which his tact, ability, application and integrity enabled him to hold and increase. He was a solid, capable and successful lawyer, possessing a large fund of accurate knowledge of the books and an ardent love of the profession. He was during the time of his independent practice a capable instructor of students in the law, and took great delight in giving young men aid and encouragement. He served three terms in the legislature, and was associated in that body with many of the eminent men of the State. According to the custom of the times in which he practiced law, he rode the circuit, attending the courts held in all neighboring counties as well as his own. While on a visit to his brother in Missouri, in 1871, General Holcomb was suddenly stricken with paralysis, from which he never recovered. He lived six years afterwards. His intellect remained clear and his memory tenacious to the last. He died at his home in Vinton, January 14, 1877. General Holcomb was not only an able lawyer, a profound student, and a popular writer, but he was also a very entertaining conversationalist. His wit was spontaneous and pleasing; his speech abounded in humor, and he was the life of his social circle. He was a Mason in high standing. He was married in early life to Esther Mathews, and their only child died in infancy. The hospitality dispensed in their home was the result of abounding kindness of heart in the general and his estimable wife.

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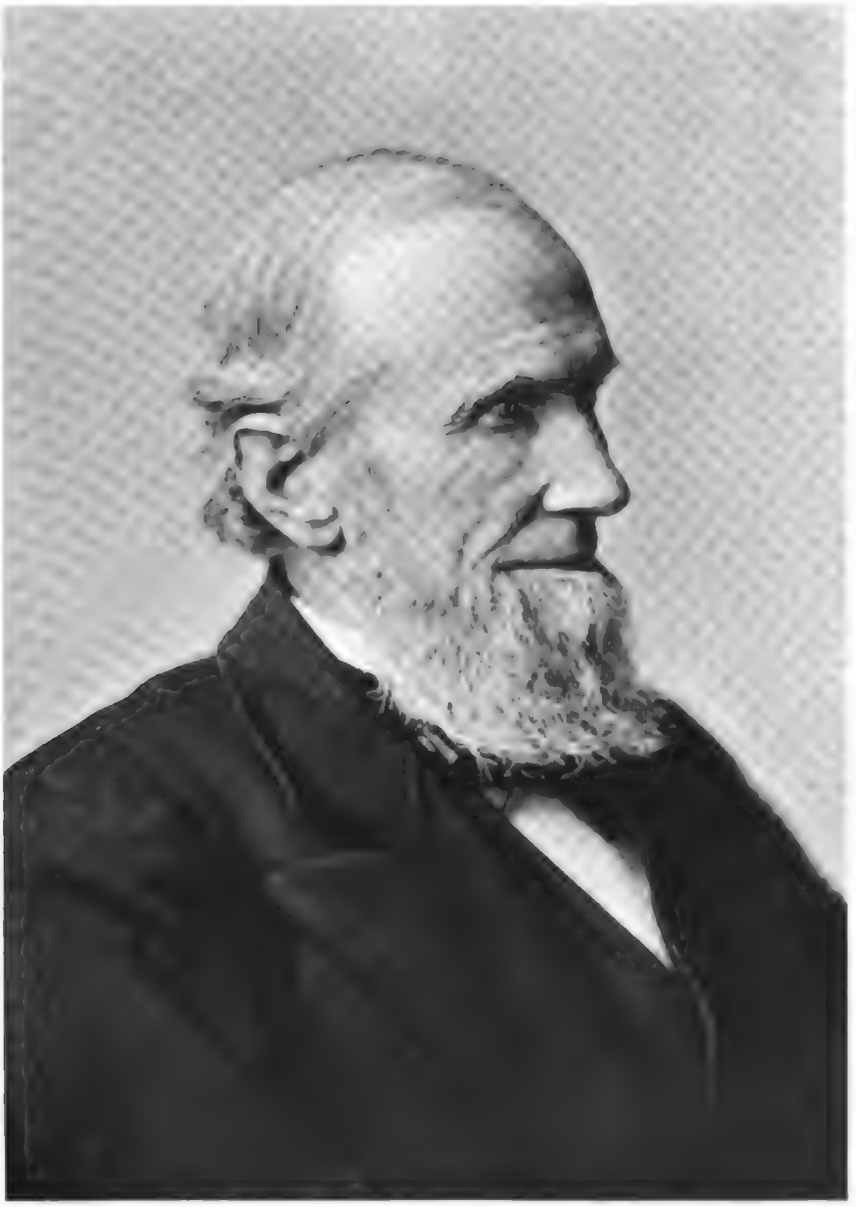

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H. Elliott

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fever heat. Judge Elliott espoused the cause of the Union and took an active part in raising recruits for the army. In 1861 he was elected prosecuting attorney of Montgomery county, serving for two years. In 1871 he was elected judge of the Court of Common Pleas for the Second Judicial District, and was re-elected four times. In November, 1896, he would, had he lived, have completed twenty-five years' continuous service on the Bench of that district. During these years he tried thousands of civil cases and over a thousand, criminal cases, and he sentenced about eight hundred persons to the penitentiary, and three to the gallows. The strongest proof of the satisfactory nature of his administration of justice is the number of times his constituents have repeatedly returned him to the same position, and the other fact that his decisions have rarely been reversed by the Supreme Court. There is, we believe, but one instance of such reversal in a criminal case on record, and in that case the State legislature afterwards changed the law to conform to his views. In 1851 he married Rebecca, daughter of John Snavely, of Montgomery county, Ohio, and there were born to them four children, three daughters and one son. The widow, together with two daughters, the Misses Ada J. and Florence Elliott, survive him. He was connected with the Methodist Church for fifty-three years, most of the time in an official capacity. He served as a lay delegate to the General Conference in 1880. He was also a member of the I. O. O. F. for forty-three years, and at the time of his decease he was president of the Odd Fellows' National Beneficial Association. He was a member of the State Bar Association from the time of its organization, and was chairman of its important committee on judicial reform for many years, succeeding General Durbin Ward in that position. He took an active part in organizing the present Circuit Court system of Ohio. He was elected president of the State Bar Association in 1890, serving one term. He also served for three terms as president of the Dayton Bar Association. Judge Elliott died at his home in Dayton, Ohio, on the 25th day of June, A. D. 1896, having continued to discharge his judicial duties until April of that year. The Bar of Montgomery county adopted a suitable memorial expressive of their high respect for the deceased, and attended his funeral in a body. Many judges and lawyers from a distance were also present. The funeral services, which were held at the Raper Methodist Episcopal Church, were conducted by Bishop J. M. Walden and other prominent ministers of that denomination. In whatever position of trust or responsibility Judge Elliott was placed, he discharged every duty devolving upon him conscientiously, and with rare good judgment. Strong of mind, clear and forceful in his speech and writings, unswerving in the discharge of his duties, he has stamped his indelible mark on the Dayton Bar. In speaking of him, a prominent attorney but expressed the universal opinion when he said: "As a lawyer, Judge Elliott was faithful and conscientious in the discharge of his duty to his clients; as a judge he was above reproach; and as a man, he was courteous, affable, upright in his conduct, an excellent neighbor, and a citizen whose life is worthy of emulation."

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HENRY R. PROBASCO, Cincinnati. Henry Russell Probasco was born in Cincinnati May 12, 1856, the son of William B. Probasco and Mary Russell Probasco, both of whom were of Revolutionary descent. Having completed a liberal education, and having had as his preceptors, in the study of the law, Honorable Stanley Matthews and Honorable William M. Ramsey, he was admitted to the Bar at Cincinnati in his twenty-first year, and began an active and successful practice. On the 28th of June, 1877, he was married to Minnie Sherman Moulton, the eldest daughter of Colonel C. W. Moulton of the Cincinnati Bar and a niece of General Sherman and Senator Sherman. In connection with his practice, he became actively interested in politics, being a Republican in principle, and has held a high rank in his party councils and been honored by a number of official positions. His practice has been almost exclusively in connection with large and important interests, and he is now counsel of the Brewers' Exchange of Cincinnati, the C. H. & D. Traction Company, the Cincinnati Typothetæ, the Brewers' Protective Association of Cincinnati, Covington and Newport, and corporation counsel for Glendale. During the investigations into the political frauds of 1884-5-6, he was associated with Senator Foraker and Governor Noyes in behalf of the Republicans, and had much to do with the reform of election practices in Cincinnati and the construction of the present election laws. Among his kinsmen were Judge John Probasco, who was a partner of Thomas Corwin, General Durbin Ward, and Honorable Zebulon Baird of La Fayette, Indiana. He has from time to time been an organizer and member of political and social organizations and clubs, and has taken an active interest in public enterprises.

WILLIAM B. PROBASCO, Cincinnati. The late William Boswell Probasco was born July 6, 1824, at Lebanon, Ohio, where his youth was passed and where he obtained his education, was prepared for, and admitted to the Bar, assuming at once an important position among the members of the Bar. He was married on February 22, 1849, to Mary Jane Russell at Lebanon, and continued to live in Lebanon until in 1852, when he removed to Cincinnati, where he soon after took into partnership with him, William M. Ramsey. The firm of Probasco & Ramsey enjoyed the confidence of a large number of clients, and had taken a position at the Cincinnati Bar second to none, when on July 31, 1864, Mr. Probasco died at Lebanon, Ohio, after a short illness. Not only did Mr. Probasco hold high station in his profession, but he occupied a commanding and influential position in the Presbyterian Church, of which he was for many years an elder at Glendale, Ohio. Although much interested in public events and politics, he took no active part at any time except in 1857, when he was nominated by the Republicans as candidate for city solicitor of Cincinnati on the first Republican ticket—under the title of the American Reform Ticket—ever nominated in Cincinnati. He was a brother of Judge John Probasco, who was a partner of Honorable Thomas Corwin, and brother-in-law of General Durbin Ward and Honorable Zebulon Baird, of La Fayette, Indiana.

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WILLIAM S. GROESBECK, Cincinnati. William Slocum Groesbeck was born in Rensselaer county, New York, on the 24th day of July, 1815. He was the son of John H. Groesbeck of Kinderhook, New York, and Mary Slocum Groesbeck, who were early settlers of Cincinnati. The Groesbeck family came originally from Amsterdam, where they were people of much consequence. In 1816 the family moved to Cincinnati, taking up their residence on Front street near Race. The father engaged in the grocery business and subsequently became a pork packer: at the time the United States Bank sold out its assets in Cincinnati Mr. Groesbeck became one of the purchasers, and during the remainder of his life was a banker. His residence changed in 1832 to the present site of Pike's Opera House, and subsequently to West Seventh street. William S. Groesbeck received his early education at Augusta College, Kentucky, where he remained a year; at the expiration of this time he, with his brother Herman, entered the Miami University at Oxford, from which institution he graduated with the class of 1835, having as classmates, among others, Governor Dennison, Honorable John A. Smith, Honorable Samuel F. Carey and Governor John McRea. At both institutions he was known as a painstaking and close student, and at the end of his term of study received the highest honors of his class. He immediately entered the law office of Vachel Worthington in Cincinnati, and began that thorough study of the law which, after his admission to the Bar in 1836, placed him in a very short time among the leading young members of the profession. He was a student of great industry and thoroughness and in his early days at the Bar laid the solid foundation of legal learning for which he afterwards became so distinguished. His prominence at that time was greater as a lawyer and counsellor than as an advocate, though his speeches showed the same precision and force which afterwards made and placed him among the first orators of the land. His first law partner was Charles Telford. After his death Mr. Groesbeck formed a partnership with Samuel J. Thompson, which continued until 1857, at which time his success had been such as to enable him to give up the active practice of the profession. In 1851 he became a member of the State Constitutional Convention and took an active part in the work of that body; subsequently when the Constitution was submitted to the people he wrote an extended series of articles explaining its provisions. In the following year he was a member of the commission to codify the State code of civil procedure. Upon the establishment of a new Superior Court in Cincinnati in 1854, a public letter signed by some of the most prominent citizens was addressed to Mr. Groesbeck, asking him with W. Y. Gholson and Bellamy Storer to constitute the new court, but he declined the nomination. In the same year he was a Democratic candidate for Congress from the Second District of Ohio, George H. Pendleton being associated with him on the ticket as a candidate from the First District; both were defeated. At the following election the two candidates were more successful, Mr. Groesbeck defeating John A. Gurley and J. Scott Harrison, the latter having been his successful antagonist at the previous election. In this same year Mr Groesbeck was the orator on the occa-

sion of the visit of Kossuth to Cincinnati. Mr. Groesbeck was a member of the commission of foreign affairs while in Congress. His speeches were few in number, but one of them delivered quite early in his term of service won for him considerable reputation. The occasion was a debate with Alexander H. Stephens on the subject of the Walker expedition. Mr. Groesbeck gave a lawyer's interpretation of the neutrality laws, basing his argument upon the fundamental proposition that "the sea is no sanctuary for crime." Other Ohio members who were with Mr. Groesbeck in Congress were Lewis D. Campbell, S. S. Cox, John A. Bingham, John Sherman, George E. Pugh, Benjamin F. Wade, Joshua R. Giddings and William Lawrence. Mr. Groesbeck did not succeed in his contest for re-election, his defeat being due to his position with regard to one of the phases of the Kansas-Nebraska controversy. He again came into public life in 1861, when, with Salmon P. Chase and Thomas Ewing, he represented Ohio at the Peace Convention held at Washington. This body, called at the invitation of the State of Virginia, for the purpose of devising a means of averting the impending war, contained some of the most distinguished men of the country, among them ex-President Tyler, Erastus Corning, Reverdy Johnson, David W. Field, John M. Palmer, Senators Fessenden, Morrill and Frelinghuysen. Mr. Groesbeck had opposed slavery and the extension of slave territory. Although a member of the Democratic party when the war was "inevitable," he became a firm supporter of the preservation of the Union, declaring that "secession must be put down." A few days after the firing on Fort Sumter a party of gentlemen met at the Burnet House in Cincinnati to consider the dangers to which that city was incident. A telegram signed by W. J. Flagg, W. S. Groesbeck, S. F. Vinton, Larz Anderson, Rutherford B. Hayes and George E. Pugh was sent to Washington, asking that Captain George B. McClellan, at that time living in Cincinnati as the president of the Ohio and Mississippi railroad, should be appointed to organize forces and take command at that point. This was McClellan's first prominence in the war. Mr. Groesbeck at that time and for years afterwards proclaimed publicly his aversion to secession and his satisfaction with the result of the war, saying in 1861, to Governor Dennison, "I would rather sacrifice all I have than live to see this Union dissevered." At a dinner to Judge Leavitt, in 1870, he responded to a toast, "War legislates and with the legislation of the war we are satisfied"; again he said, "The amendments have been made and they will stand." Mr. Groesbeck was elected State senator in 1861; he took a very active part in the discussions of the body concerning finance and judicial legislation, and exerted great influence in favor of economy, an influence much needed at that time. By far the most brilliant of Mr. Groesbeck's achievements and one that brought him immediate international prominence was his speech made in defense of President Andrew Johnson, upon the occasion of impeachment of the latter by Congress. The resolution for impeachment passed the House of Representatives on February 24, 1868. On March the 5th, Mr. Bingham, chairman of the board of managers selected by the House, read at the bar of the Senate the articles of impeachment, eleven in number,

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charging in various legal forms the violation of the tenure of office act, improper criticism of Congress and obstruction and interference with the reconstruction enactments. The President was represented by his own attorney general, Henry Stanbery, who resigned his position for the purpose; Benjamin R. Curtis, a former justice of the Supreme Court, and by many regarded as a leader of the American Bar; William M. Evarts, who subsequently succeeded Stanbery as attorney general; T. A. R. Nelson, a great personal friend of the President, and Jeremiah S. Black, a member of Buchanan's cabinet. At the last moment Mr. Black withdrew and Mr. Groesbeck was selected by the President to take his place. He took no part in the early stages of the trial, but on April 25th, addressed the Senate on behalf of the President in a speech so sound in its law, so strong in its expression, and so powerful in its appeal to the emotions that it has been considered a masterpiece of American oratory. Of this address Roger Foster, in his recent work on the United States Constitution, speaks as "a masterly argument upon the legal questions in the case." Mr. Blaine, in his Twenty Years of Congress, uses this language, "Mr. Groesbeck was favorably known to the country by his service with the Democratic representatives in the twenty-fifth Congress, but little had been heard of his legal learning outside of Ohio. He took no part in the conduct of the impeachment case, but his final argument was a surprise to the Senate and to his professional brethren, and did much to give him a high reputation as a lawyer;" and again Mr. Blaine says, "He made a clear, forcible presentation of the grounds of defense." S. S. Cox, in his book of reminiscences, says: "Unexpectedly to some, but not to the writer, William S. Groesbeck, of Ohio, who was not at first in the case, was the most successful in presenting, with enormous vehemence of logic and eloquence, the defense of the impeached President;" again, that "the most remarkable speech was made by Mr. Groesbeck." Mr. Curtis, the leading counsel for the President, expresses his opinion of the argument in a letter to Mr. A. R. Spofford, as follows:

"MAPLEHURST, July 21, 1868.

"MY DEAR MR. SPOFFORD:

"I thank you for so kindly communicating to me Mr. Groesbeck's very friendly and too flattering expressions. It is one of the most valued of my experiences in the trial of the President that I learned to know Mr. Groesbeck, and when he made, what I consider one of the most impressive speeches I ever heard, he did not surprise me, though he seems to have surprised many others. I think that when the trial shall be read by the next generation of young men, his will be thought to be the most finished and complete of all the arguments.

"With great regard, I am yours,

"B. R. CURTIS."

The President is quoted by William W. Warden, his secretary, as follows:

"It is due from me to say that I read the letter of Judge Curtis to President Johnson on the evening of the day of its receipt, and that the President, cordially and with emphasis, endorsed the sentiments and opinions of Judge Curtis. I think I told you years ago how much President Johnson esteemed you, alike in your public and private life, and that he said to me repeatedly

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that he regarded you as one of the ablest jurists and purest statesmen in America. This conversation occurred when the President was consulting as to the selection of counsel for the impeachment trial."

The praise of those who heard the speech was not limited to associates; the first to congratulate Mr. Groesbeck was Mr. Bingham, the chairman of the board of managers, and General Butler, another of the managers. The Chief Justice of the Supreme Court, Salmon P. Chase, came down from his seat and did the same, and is quoted as having characterized his address as "the greatest speech ever delivered in America." The newspapers gave it as a general opinion that Mr. Groesbeck had borne off the laurels from both sides for argument and eloquence, one paper speaking of the argument as "a speech which will rank with the greatest orations of ancient or modern times." Mr. Groesbeck was the sensation of the day and his fame was heralded throughout the country as a proper man to succeed to the Presidency, or to one of the vacant seats on the Bench of the Supreme Court. He had been considered before by Mr. Buchanan in this latter connection, and again in 1873 his name was to be considered by President Grant for the vacant Chief Justiceship. In the national Democratic convention of 1872, Mr. Groesbeck was one of the four who received votes for the Presidential nomination, and in the Electoral College he received several votes for the vice-presidency. In 1880 he was again prominently mentioned for the Presidency, but refused to become an active candidate for the nomination. He was appointed a member of the monetary commission of 1876, his associates being John P. Jones, Louis V. Bogy, George S. Boutwell, of the Senate; Randall L. Gibson, George Willard, Richard P. Bland, of the House of Representatives, and Professor Francis Bowen of Harvard College. Mr. Groesbeck signed the majority report made March 2, 1877, with Messrs. Jones, Bogy, Willard and Bland, in favor of the restoration of the double standard and the unrestricted coinage of both metals, but agreed with Mr. Bland in favor of the ratio of 16 to 1 instead of 15½ to 1, as favored by Messrs. Jones, Bogy and Willard. On September 13, 1877, he was the orator on the subject of "Gold and Silver" before the American Bankers' Association of New York, and the following year he was selected with Reuben E. Fenton and Francis A. Walker as a commissioner on the part of the United States at the international monetary conference at Paris. Mr. Groesbeck at the second session gave a brief historical review of the American legislation on the subject, and in conclusion stated the views of the United States in two propositions urging the undesirability of the exclusion of silver from free coinage and the possible use of both metals as unlimited legal tender money to be reached by international agreement as to ratios. Mr. Groesbeck took throughout the whole proceeding a most active part and delivered an address of considerable length in favor of international bimetallism. Mr. Groesbeck was an ardent advocate of civil service reform and delivered a most forcible address on the subject at College Hall in Cincinnati. His interest in politics continued throughout his life; he was at all times a consistent Democrat, but retained the esteem and respect of all

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parties throughout his life. His last public address at a political gathering was at the great Campbell meeting at Music Hall in Cincinnati in 1889; his speech in favor of Mr. Campbell was considered a most powerful influence for his success. As an occasional orator his services were in constant demand. He it was that welcomed Kossuth and also Andrew Johnson on two occasions when he visited this city, once during the war when he came as senator from the Southern State of Tennessee and afterwards during his Presidency. He made addresses at the General Grant banquet and at the banquet tendered Frederick Hassaurek, and at the lawyers' farewell dinner to Mr. Perry he rendered a tribute to the memory of Abraham Lincoln which was considered an eulogy of the first rank. In 1878, on behalf of the city, he welcomed the American Social Science Association and afterwards addressed the body on the subject of silver. He was a man of great public spirit and in 1872 presented to the citizens of Cincinnati the sum of $50,000, the income of which is expended annually for music in Burnet Woods, the well-known park of the city. He was a member of the board of trustees of the sinking fund of Cincinnati from 1883 to 1891. Mr. Groesbeck married Miss Elizabeth Burnet, a daughter of Judge Jacob Burnet. She died April 6, 1889, leaving five children surviving, two of whom, Herman and Telford, are members of the Cincinnati Bar. Mr. Groesbeck died on the 7th day of July, 1897, at his home, Elmhurst, which is beautifully located in the suburbs of Cincinnati. The following pen portrait, written many years ago by the late George Ward Nichols, gives an accurate presentation of the man:

"Mr. Groesbeck as an orator and a statesman is an illustration of the best fruit of the highest civilization. He is such a figure as might have stood in the Senate in the days of Webster, Benton and Clay. In his personal appearance, his tall and ample body is surmounted by a head of singular force and determination. The forehead is square and ample; the eye, which looks straight out from a shapely, ardent brow, is full and fearless; the nose uncompromisingly prominent; while the lips, firm and set, are surrounded by a rigid inflexible jaw. When speaking, Mr. Groesbeck's manner is Websterian in its sententious dignity, and in other ways is there a resemblance between these distinguished men. In simplicity of method, in vivid conceptions, clear intuitions of law and statecraft, Mr. Groesbeck is like Webster, while his moral integrity is irreproachable and his personal habits are simple and abstemious. With his character of Puritan severity is joined a keen sense of the funny and absurd, which, although concealed by his stern exterior, now and then flashes with inimitable force."

THOMAS B. PAXTON, Cincinnati. Thomas Barbour Paxton was born on June 4, 1838, in Clermont county, Ohio, near the town of Loveland. His father was born on the same farm, which was located by his grandfather in the year 1795. His father's family were Scotch-Irish in descent and settled first in this country in Rockbridge county, Virginia, near the Natural Bridge. His grandfather, during the Revolution, lived in Bedford county, Pennsyl-

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vania, and served with distinction throughout the war, attaining the position of lieutenant colonel of one of the Pennsylvania regiments. He was one of those selected by General Anthony Wayne, by reason of his experience and bravery, to go with him on his campaign against the Indians in northwestern Ohio. He remained with General Wayne during the whole campaign, acting as officer of the advance guard, and took a prominent and active part in the battle of the "Fallen Timbers." After the declaration of peace he settled a short distance south of the present town of Loveland, on the Little Miami river, and engaged himself for a number of years in surveying and dealing in Virginia land warrants. Thomas Paxton, father of the subject of this sketch, was born in 1799 on the farm originally located by Colonel Thomas Paxton, and continued to reside there until his death, which occurred in 1877. Thomas B. Paxton received the rudiments of his education in the schools of Clermont county, part of the time being under the tutelage of Professor James K. Parker in an historic old academy near New Richmond. He graduated in the scientific department of the Ohio Wesleyan University at Delaware, Ohio. Subsequent to leaving college he taught school for about a year, studying law at the same time in the office of Tilden, Rairden & Curwen in Cincinnati. He subsequently entered the Cincinnati Law School and graduated from that institution in the spring of 1860, and at once formed a partnership with Isaac B. Matson. The firm occupied the old offices and succeeded to the practice of the late George H. Pendleton. This partnership continued until the election of Mr. Matson as Probate Judge of Hamilton county, Ohio, in 1874. Mr. Paxton was elected county solicitor on the Democratic ticket in the year 1873, defeating the late Nicholas Longworth. When John W. Warrington left the office of city solicitor, in the year 1875, he formed a partnership with Mr. Paxton, and the partnership has continued from that date to the present time under the firm name of Paxton & Warrington. In addition to the position above named, Mr. Paxton has served the city of Cincinnati as a member of the board of aldermen, and also one term as director of the city workhouse. In 1886 Governor Foraker appointed him as one of the trustees of the Ohio Soldiers' and Sailors' Home, a position to which he was reappointed by Governor Campbell in 1890, and subsequently by Governor McKinley in 1894, and he served for several years as president of that board. In 1887 the sinking fund commissioners appointed him as one of the trustees for the construction of the new city hall, in which position he took an active interest, and the work on the part of the trustees was entirely satisfactory to the general public. Mr. Paxton has always been a Democrat in politics, but beyond the offices mentioned has refused to seek or hold office, although he has been a number of times solicited to become a candidate for positions of importance. While Mr. Paxton has never been a politician, he has by reason of his personal and professional standing always been recognized as a sound and influential adviser in legal matters, and although a Democrat he is not a partisan, but a conservative, independent and conscientious follower of the principles in which he believes. Mr. Paxton was married in 1874 to Mary, daughter of Dr.

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William Wharton of Kentucky, and has two children, Thomas B. Paxton, Jr., and Florence W. Paxton, the former of whom has just completed a course at Yale College and is now studying law in the office of the firm.

GEORGE J. SMITH, deceased. The subject of this biography, one of the pioneer lawyers of Ohio, was the youngest child of Rev. James Smith and his wife, Elizabeth Porter Smith, natives of, and for many years residents of Powhatan county, Virginia. His father was the owner of a large plantation in the valley of the James river in that county, about twenty miles above Richmond. In the latter part of his life the son entertained so great a dislike to the system of slavery then existing in that State, that he determined to remove to a region where it did not exist. With this object in view he made three trips from his home to Kentucky and what is now the State of Ohio. The first to Kentucky was in 1785, and the second and third in 1795 and '97 to the territory northwest of the river Ohio. He kept journals of these trips, which are now in possession of his descendants. In the year 1798 he emancipated the slaves which he had inherited from his father, and with his wife and eight children, and in company with his brother-in-law, Rev. Philip Gatch, removed to what is now the State of Ohio, landing at Columbia, near the mouth of the Little Miami river, on the 7th of November, 1798, and near which he resided until his death, which occurred July 28, 1799. His son George J. Smith was born near Columbia, Hamilton county, May 22, 1799, a few months before the death of his father. In 1800 his mother with her family removed to what is now Warren county, and settled upon a farm near Waynesville. Her son worked upon the farm, attending the country schools in his early youth, and for a short time a private school in Lebanon. In April, 1818, he entered as a student of law the office of Thomas Corwin, who had been admitted to the Bar in May, 1817, and had commenced the practice of the law in Lebanon, and there had the advantage of the personal tuition of his preceptor, who until the time of his death was one of his most intimate friends. Mr. Smith was admitted to the Bar in June, 1820, and immediately commenced the practice in the law in Warren and the five or six other counties which at that time formed a judicial district, travelling the circuit as was the custom of many of the lawyers in those days. In 1825 he was elected a member of the Ohio House of Representatives, and was elected again in 1826 and 1827, serving three terms. In 1829, at the age of thirty years, he was elected by the legislature, without his knowledge, to the office of president judge of the Court of Common Pleas, succeeding Judge Joshua Collett, who had been elected judge of the Supreme Court. Judge Smith served in this position for the full term of seven years, when he resumed the practice of the law. For four years, from 1836 to 1840, he was a member of the Ohio Senate, and for the first two years was the speaker of that body. He was also a member of the convention which formed the State Constitution of 1851. In 1858 he was elected judge of

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the Court of Common Pleas for the Third Subdivision of the Second District, and was re-elected in 1863. He retired from the Bench February 9, 1869, and did not afterwards actively engage in the practice of law. Judge Smith was married to Hannah Whitehill Freeman, April 9, 1822. She died November 25, 1866. Four of their children survived them, viz.: James M. Smith, now of Cincinnati; George W. Smith, John E. Smith, and Harriet M. Smith, of Lebanon, all of whom are still living. Judge Smith was highly esteemed by all who knew him. He was an able, industrious and successful lawyer and a model judge. In all of the public positions held by him he performed the duties imposed upon him most conscientiously, with great fidelity, and to the satisfaction of his constituents. He died at his home in Lebanon April 18, 1878.

JAMES M. SMITH, Cincinnati. Judge James M. Smith, son of the late George J. Smith, was born at Lebanon, Ohio, on the 27th day of January, 1825. Like his father, he did not have the advantages of a college education. He attended the public and private schools of Lebanon until he was about eighteen years of age, and was then for nearly two years a clerk in the office of his uncle, Joseph Whitehill, treasurer of the State at Columbus. At the end of that time he began the study of law in the office of his father and his partner, John Probasco, Jr. He was admitted to the Bar in the spring of 1846, and in 1847 commenced the practice of his profession at Xenia, Greene county, Ohio. In the winter of 1850, Mr. Probasco having been elected by the legislature, judge of the Court of Common Pleas, young Smith returned to Lebanon and was in partnership with his father until February, 1855, when he assumed the position of judge of Probate Court of Warren county, to which office he had been elected in the preceding year. He served one term of three years in this office, and in 1858 resumed the practice of the law. From 1859 until 1872 his partner was his brother, John E. Smith, of Lebanon. In 1878 he was elected judge of the Court of Common Pleas for the Third Subdivision of the Second Judicial District, and in 1876, and again in 1881, was re-elected to the same office. On the organization of the Circuit Courts in the State in 1884 he was elected as one of the judges for the First Circuit, and resigned his office as judge of the Court of Common Pleas to accept the position, after a service on that Bench of thirteen years—his associates in the Circuit Court being Judges Joseph Cox and Peter F. Swing, both of whom at this time (1897) are still members of the court with him. Judge Smith drew the four year term, and in 1888, and again in 1894, was re-elected for the full term of six years. In 1887 and again in 1888 he was chosen by the judges of the Circuit Court as Chief Justice thereof. In this service of more than twenty-eight years on the Bench of those different courts, it may be justly claimed for Judge Smith that he has been an industrious, conscientious, upright and painstaking member of the judiciary, and that he has discharged the duties imposed upon him to the satisfaction of the people, and the members of the Bar. Many of the decisions of the Circuit Court, of which he is a member,

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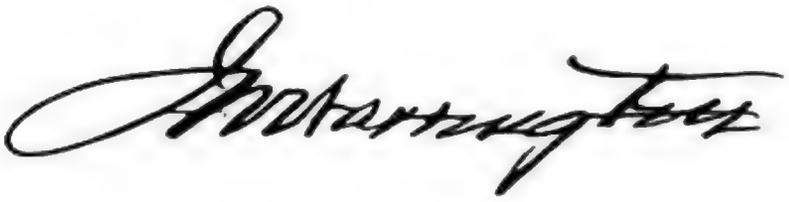

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and of which he announced the opinions, appear in the thirteen volumes of the Ohio Circuit Court Reports which have been issued up to this time. The maiden name of the mother of Judge Smith was Hannah Whitehill. On the 23rd day of January, 1851, he was married to Sarah Belle Clements, daughter of Dr. C. B. Clements, and Susan Hurin, his wife, late of Lebanon. They have three children living: Harold H. Smith, of Toledo; Mrs. L. D. Thoman, of Chicago; and Mrs. M. S. Todd, of Cincinnati.

JOHN W. WARRINGTON, Cincinnati. Mr. Warrington was born July 26, 1846, in Clarke county, Ohio. He is a son of the late Rev. Charles B. Warrington, who, born in England, came to America in the early days of this century, and to Cincinnati in 1819. He devoted his life to the ministry, in southern Ohio, in the Methodist Episcopal Church. He married Miss Mary Davisson, of Clarke county, Ohio, whose parents were natives of the State of Virginia. John Warrington attended the public schools of South Charleston, Ohio, until he entered the army, and afterwards received an extended classical training under private tutors. At quite an early age he conceived the idea of becoming a lawyer and his studies were for the most part directed to the accomplishment of that end. Shortly after the outbreak of the Rebellion, although but sixteen years of age, he laid aside for a time his preparation for his life profession and enlisted in Company C of the 110th Ohio Volunteer Infantry, in the fall of 1862. He took part in all the experiences of that regiment and was engaged in the battles of Winchester, June 14, 15 and 16, 1863, and at Brandy Station November 8; Mine Run, November 27 of the same year; and in the battles of the Wilderness on May 5, 6 and 7 of the following year, and at Spottsylvania on the 9th and 10th and 11th of the same month, and at Cold Harbor the 1st of June of that year. He was also engaged in the fighting in front of Petersburg in June of the same year, and at Monocacy on July 9, and at Opequon on September 19, Fisher's Hill September 22, and Cedar Creek on October 19 of that year. He participated in the Siege of Petersburg in the winter of 1864 and 1865, taking a part in the assault on the outer line of the works on March 25, 1865, and in the final assault in which the main lines and fortifications in front of Petersburg were taken on April 2, 1865, which last assault resulted in the capture of Petersburg and of Richmond, the capital of the Confederacy. At day dawn of April 2, 1865, after the troops had broken through the main line of fortifications and were engaged in an assault upon the strongly fortified fort, he was wounded by an iron ball from an exploded cannon shot. Just prior to the discharge of this shot, he, with his fellow soldiers, was lying close up under the fort awaiting a re-formation of the troops for a final assault. Warrington, believing, however, that he could tell the direction of the fire of the cannon in front of him, and being anxious to watch the course of the shot from it, which he thought would not come straight towards him, stood upright, but one of

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the balls from the fuse shot which exploded directly over his head entered the patella of his left knee, inflicting a very dangerous and severe wound. He was taken from the field to Judiciary Square Hospital, at Washington, and honorably discharged on a certificate of disability by the surgeon on July 24, 1865. He had also served with the regiment in August and September of 1862 in New York City and Brooklyn, under Colonel J. Warren Keifer, in enforcing the draft in these cities and keeping down the riots. Immediately after his discharge he resumed his studies preparatory to admission to the Bar, and in 1867 entered the Law School of the Cincinnati College, where he was graduated in 1869. Almost immediately after his admission to the Bar he entered the office of J. Bryant Walker, the solicitor of the city of Cincinnati, as assistant city solicitor, which position he held under Mr. Walker and Fred W. Moore until 1873, when he was himself elected city solicitor. He served in this position for the period of two years. At the end of his term he entered upon the practice of the law, having won a reputation equal to that of the best among the younger members of the Bar. He associated himself at once in the practice of the law with Thomas B. Paxton, and the firm has continued Paxton & Warrington up to the present day. His reputation and position at the Bar from that date to the present time have constantly improved, until to-day he stands among the very leaders of the profession in the State, and his practice has been both large and lucrative. He has been engaged in many of the most important cases that have arisen in his county and State for a number of years, and has also been called many times to attend to important cases in the Supreme Court of Ohio, and also a number of times in the Supreme Courts of other States and of the United States. Although he has been the legal adviser for many of the largest corporations in this community for a number of years, and, as a result, has attained a position second to none as a corporation lawyer, yet his practice has been of a wide scope, and his reputation is in no sense limited to any one particular branch of the law. He is remarkable for the thoroughness of his preparation of the law points of his cases and the clearness and fairness with which he presents them in the trial of a cause; and by reason of his careful attention to details and great clearness of judgment he is also pre-eminent in his statement of facts bearing upon the points at issue. His thorough knowledge of the fundamental principles of law, his careful preparation of cases, his masterly grasp of details and his pleasing address in the conduct of a trial, have all contributed to make him one of the most successful as well as one of the most popular members of the Bar. Mr. Warrington has devoted so much of his time to the faithful practice of his profession that he has had little time for politics. He is a Republican and has been urged a number of times to become a candidate for Congress, and has been tendered other positions, both State and National, of high honor, but has uniformly refused to accept them. The only political position held by him, excepting those already mentioned, was that of Presidential elector from the Second Congressional District in 1876, at which time he cast his vote for his friend President Hayes. He has been twice married. There are two children sur-

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viving his first marriage. His eldest son, George, graduated at Yale College in the year 1895, and has since then attended the University at Göttingen, Germany.

GUSTAVUS H. WALD, Cincinnati. Gustavus Henry Wald was born in the city of Cincinnati on March 30, 1853. He received his early education in the public schools of that city, graduating at Hughes High School. Subsequently he entered Yale College, where he was graduated with the class of 1873. He then took up the study of law at the Harvard Law School, where he received the degree of Bachelor of Laws in 1875, and in March of the same year was admitted to the Bar of Suffolk county, Massachusetts. He returned, however, to his native city for the practice of his profession and entered the office of Hoadly, Johnston & Colston, where he remained until January, 1876, having been admitted to the Ohio Bar the previous fall. In 1876 he took an office with Charles Bowditch Wilby, and in September of that year he formed a partnership with Mr. Wilby under the firm name of Wilby & Wald, which relationship still continues. In 1878 the courts of Hamilton county appointed him one of the standing committee for the examination of applicants for appointment to the office of notary public in Hamilton county, which position he continued to hold for many years. He gave to this work his most conscientious attention, and under his influence these examinations became more efficient, and as a consequence there has been a decided improvement in the qualifications of the holders of notarial commissions in the county. Shortly after Mr. Wald's admission to the Bar he began the preparation of an American edition of "Pollock on Contracts," which he published in 1881. The value of the notes of the American edition was at once recognized and the work grew in favor to such an extent that a second edition was necessitated, which appeared in 1885. The appreciation in which Mr. Wald's contribution to this work is held, is indicated by a remark of the editor of the *American Law Review* in a recent issue of that periodical discussing the editors of English law books "for the American Bar:" "We are able to recall but one, viz., Mr. Wald's edition of Pollock, in which the work of the American editor has added anything of permanent value to the text, or has at all increased the reputation of the editor himself." During his first year at the Bar Mr. Wald contributed frequently to legal magazines and periodicals, and in 1877 he became a member of the editorial staff of the *Central Law Journal*, which position he retained for several years. In 1885 he was asked by Sir Frederick Pollock, who had just undertaken the editorship of the *Law Quarterly Review*, to become one of the contributors to that journal. In 1883 the election of Judge Hoadly to the governorship of the State created a vacancy in the faculty of the Cincinnati Law School, which was filled by the trustees of that institution by the selection of Mr. Wald for the position, which he held for several years. In 1891 he received the unsolicited nomination, at the hands of the Democratic party of Ohio, for membership of the Supreme Bench of the State,

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but none of the nominees of the convention were elected. He was elected in 1893 one of the council of the Harvard Law School Association for the full term of five years, and in June, 1895, upon the occasion of the celebration of that association of the twenty-fifth anniversary of Professor Langdell's incumbency as Dane Professor of Law, Mr. Wald, one of his pupils, was called upon to deliver one of the formal addresses. The occasion was a memorable one in the history of legal education in this country and brought together many distinguished lawyers from the various States of the Union, and was made the occasion for a special trip from England of Sir Frederick Pollock. Upon the organization in 1896 of a Law Department of the University of Cincinnati, Mr. Wald became a member of the faculty of that institution, choosing for the subject of his lectures the law of contracts. Having at his command a great fund of information, with remarkable facility in imparting it to others, he has been eminently successful as a teacher. He was for many years a member of the Cincinnati Literary Club, at one time its president, and contributed a number of papers to its proceedings. His literary style is pure and crisp. The words chosen by him are never of doubtful derivation or significance, and the reader can never be at a loss for his meaning. These qualities are characteristic of his legal work, both written and spoken, as well as his work of lighter character. In the latter, his keen sense of humor is frequently in evidence. He is a student at all times; his briefs are prepared with the greatest care and are scholarly discussions of the law; his arguments to a court or jury are simple and direct, with none of the devices of the superficial orator, and his conduct of a case and his examination of witnesses have the same direct and thorough qualities. He is a linguist of unusual attainments, and well informed on a great variety of topics, and these facts, combined with his accurate and thorough knowledge of the law and readiness in debate, make him a most formidable antagonist as well as a charming companion.

ALMON MITCHELL WARNER, Cincinnati. Integrity, patriotism and fidelity to highest human impulse are the distinguishing characteristics of Mr. Almon M. Warner, born March 6, 1843, at Plainfield, Hampshire county, Massachusetts. He inherits from his father, James Warner, the resolute character that attaches to the English, and from his mother that industry and application that is pre-eminently conspicuous as a Scottish heritage, and traces his ancestry through his mother in direct line to Robert Bruce, the famous Scottish chieftain and king. He was educated in the common and select schools of Massachusetts, graduating at the age of nineteen from Williston Seminary, and at a time when the nation most demanded the services of brave men actuated by love of country, Mr. Warner gave heed to the "slogan," and enlisted in Company H, Thirty-seventh Massachusetts Volunteers, under the command of Colonel Oliver Edwards, and was at once made second sergeant, being transferred later to Company E, in the same regiment, and promoted to the rank of

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first sergeant. His services on the field and at the front are but characteristic of the sturdy lineage whence he came. Daring and brave in the execution of duty, at the battle of Sailors' Creek, Virginia, April 6, 1865, while attempting to capture a Rebel flag, he was severely wounded, in recognition of which, and for many similar services, he was promoted to a lieutenancy. From August, 1862, to August 28, 1865, when he was honorably discharged from the service, he was with his regiment—a part of the 6th Army Corps that participated in eighteen of the great battles of that historic era, including Fredericksburg, Gettysburg, the Wilderness, Spottsylvania, Winchester and Petersburg. He began the study of law January 1, 1866, in the office of Church & Sawyer, Albion, Orleans county, New York, both of whom attained great distinction in public office and in their profession, and was admitted to the Bar in May, 1869. He practiced in Albion until March, 1870, when he removed to Leesburg, Virginia, and continued practice, two years afterward removing to Huntington, West Virginia. In 1874, actuated by earnest aspiration, he removed to Cincinnati and permanently located, surrounding himself with greater opportunities, all of which he utilized in building a lucrative practice. In 1883 he was nominated for the office of judge of the Superior Court of the city of Cincinnati by the Republican party, but suffered defeat with the entire ticket. In 1870 Mr. Warner married Miss Elizabeth H. Densmore, of Albion, New York, the fruits of which union are two charming daughters, Maud Loraine and Carrie Elizabeth. Notwithstanding the many duties of an active lawyer, Mr. Warner has given much of his time to religious and society interests. He and his family are, and have been for many years, members of the Walnut Hills Congregational Church of Cincinnati. His social character is evidenced by the prominence he has attained in the societies with which he is identified. In the I. O. O. F. he was for three years major commanding battalions of Patriarchs Militant in Cincinnati, a past Grand, past Chief Patriarch, and past Grand Representative. In the F. & A. M. he is a popular and honored member. As in his youth his soul was aflame with a patriotic zeal for his country, so in mature manhood his love for the comrades who with him shared the burdens of warfare, is no less intense. In the ranks of the G. A. R. he is an untiring worker, jealous of its principles, loyal to its tenets, and faithful to every duty enjoined upon him; a past Post Commander, past Department Commander of Ohio, and member of the Committee on Pensions of the National Encampment. When first identified with the Bar of Cincinnati, Mr. Warner pursued a general practice. In 1891, however, the changed conditions, growing out of an appointment as general counsel for Snow, Church & Co., caused him to direct his attention to Commercial law, since which time he has given his best efforts to this great field in our jurisprudence. A keen appreciation of the importance of details, and a peculiar talent for method, pre-eminently fit him for the responsible position he occupies with his company, and as a lawyer representing great interests growing out of the internal commerce of our country.

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"He is a man of broad literary culture, whose decisions stand high among lawyers. He is without assumption, always approachable, and lovable in disposition. He is especially proficient in laws relating to corporations, and his practice is largely in that class of cases. He is strong as an advocate. He is a man of impulsive nature, but his impulsiveness is always on the right side. He is a hard student and a good talker. As a lawyer he has the faculty of getting at the real points of the case. He is not accustomed in argument to cite numerous authorities, but rather argues on principle. His social attributes enable him to form acquaintances readily, and his acquaintances become friends."

He was married November 18, 1868, to Miss Harriet E. Weld, of Boston, Massachusetts, of the wealthy and influential family of that name. Three children have been born of the union.

JAMES E. CAMPBELL, Hamilton. James Edwin Campbell is a native of Ohio. He was born in Middletown, July 7, 1843, the son of Andrew Campbell and Laura P. Reynolds. Through the lineage of his father his descent is Scotch; through that of his mother it is English. He is the sixth generation in descent from Jonathan Reynolds, who emigrated from Plymouth Earl, in Devonshire, England, and settled near Plymouth colony in 1645. Through a collateral branch of his mother's family he is descended from John Parker, who commanded the American patriots in their heroic struggle at Lexington. His paternal great-grandfather, Andrew Small, at the age of eighteen, accompanied Montgomery on his fatal expedition to Quebec and suffered unspeakable hardships on his return through Canada. Both of his grandfathers were soldiers in the War of 1812. After the first settlement of the Reynolds family in Massachusetts, branches of it extended over into New York and Rhode Island, becoming numerous in both States. James E. Campbell attended the public schools of his native town and subsequently received excellent private instruction from the Rev. J. B. Morton, pastor of the Presbyterian Church of Middletown for many years, and also a successful teacher. Before attaining his majority he taught school for a time and began a course of reading in law. His inheritance of patriotism was a moving impulse which prompted his enlistment in the military service of the government. In the summer of 1863 he became master's mate on the gunboats Elk and Naiad, of the Mississippi and Red river flotillas, and took part in several engagements. The unhealthfulness of the climate soon affected him to such a degree that after one year's service he was discharged, on the recommendation of the board of surgeons, and returned home, almost a mere skeleton. Immediately on the recovery of his health he resumed the study of law in Middletown, and was admitted to the Bar in 1865. The interval between that time and the opening of his practice at Hamilton in the spring of 1867 was passed by him as book-keeper of the First National Bank of Middletown and deputy collector in the internal revenue service at Hamilton, under General Ferdinand Van Derveer, the col-

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lector. In 1867 he was appointed a commissioner of the United States and performed the duties of that office for two years, in addition to a general practice. During the war and prior thereto he had been a Republican; but when the Union was restored and the war issues were closed, the changed conditions gave prominence to new issues and occasioned a new alignment of partisans. In 1872, with thousands of others, he renounced further allegiance to the Republican party and supported Greeley and Brown. Since that time he has been a Democrat. In 1875 and again in 1877 he was elected prosecuting attorney of Butler county, holding the office four years and discharging his official duties with entire acceptability. In 1879 he was the candidate of his party for State senator, and was defeated by only twelve votes. He placed his profession above politics and devoted fifteen years unreservedly to it before entering upon an office which is regarded as strictly politicial. As a lawyer he has few superiors of his age at the Bar of the State, especially in the readiness and skill with which he grasps the real points in a case. He is a clear, strong, logical speaker, well informed on questions of law. No man in Hamilton has a cleaner or more honorable record. In addition to the asual and general practice, he has been charged with many important receiverships and other trusts. He has membership in the Grand Army of the Republic and other social or benevolent orders; in Masonry he is a Knight Templar. He is at present one of the trustees of the State University. He works hard and systematically, is thorough in the mastery of details, and therefore accomplishes more than most men. His courteous manner and social disposition win friends, and his integrity of character retains them. January 4, 1870, he was married to Miss Elizabeth Owens, whose father, Job E. Owens, was a native of Wales, and whose mother, Mary A. Price, was of Welsh descent. They have four children. In August, 1882, Mr. Campbell received the unanimous nomination of his party as its candidate for Congress. Although the returns showed his competitor's election by a majority of forty-one, he successfully contested the election, chiefly on the ground of illegal votes of non-resident students in Green and Warren counties. He received the largest vote ever given to a candidate in Butler county, which was the residence of his competitor as well as himself, and carried the county by the unprecedented majority of 3,187. His first service was in the 48th Congress. He was again elected in 1884 and 1886, serving continuously for six years. In 1889 he was elected governor of Ohio, defeating Governor Foraker. In this office he displayed executive and administrative abilities which commanded the admiration of his party and the respect of all citizens. He was renominated in 1891, but defeated by Governor McKinley. Since that time he has devoted himself to his private affairs, although his name has been publicly canvassed in connection with exalted positions. He was named generally throughout the country as member of the President's cabinet in 1893, but refused to be considered in that connection on account of business interests, which had already suffered too much from the devotion of his time to those of the public. Governor Campbell commands the respect and confidence of his party, as well

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A. S. Young

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ert, a prominent lawyer of Reading, Pennsylvania, and granddaughter of Judge Robert Porter of that city. Her mother, Mary Porter, was descended from Robert Porter, a native of Ireland, who landed at Londonderry, New Hampshire, and afterwards purchased a farm in Montgomery county, Pennsylvania, where he took up his permanent residence. His most successful and prominent son (Mrs. Dechert's grandfather) was General Andrew Porter, who was born September 24, 1743, and served with distinction as an officer during the Revolutionary War. After its close he was commissioned major general of militia of Pennsylvania, and was tendered the position of secretary of war by Madison, but declined. His son, Judge Robert Porter of Reading, Pennsylvania, was born January 10, 1768, and served during the latter part of the War of the Revolution as a lieutenant of artillery. Having entered the army with his father when but eleven years of age, he was perhaps the youngest soldier and officer of that war. In 1789 he was admitted to the Bar at Philadelphia, and was afterwards appointed president judge of the Third Judicial District of Pennsylvania, a position which he filled for over twenty-five years, and then resigning, retired to private life. Mr. Young was a strong Union man, and an earnest supporter of President Lincoln's administration. He was appointed by Governor Brough, commissioner of the draft for Montgomery county, and made the largest draft of any in the State. He also served as a member of the military committee, and was identified with the organization of all the local companies raised in Dayton and its vicinity. He devoted much time and labor to the cause, and through his outspoken and uncompromising efforts, was often exposed to much personal danger. Mr. Young was a member of the first non-partisan police board of Dayton, appointed in 1873, by which the present metropolitan police system of that city was inaugurated. He was also one of the founders of the Dayton Bar Association, now known as the Dayton Law Library Association. During the course of his practice he was frequently urged to accept a judicial position, but declined. Upon the death of Judge W. W. Johnson in 1886, he was asked to become a candidate for his unexpired term upon the Supreme Bench; and, without his knowledge, a petition for his appointment, signed by the entire Dayton Bar, was presented to Governor Foraker. Learning of the movement, however, Mr. Young, for personal reasons, declined to permit the use of his name. He was a member of the Ohio State Bar Association, and also of the American Bar Association, and from a biographical sketch of him, which appears in the published proceedings of the latter organization, for the year 1888, we select the following extract, which is truthfully descriptive of him, both as a lawyer and a citizen:

"Mr. Young was a man of striking physical appearance, and of marked mental characteristics. He was born to be a lawyer. His breadth of intellect, his strong, determined will, his sound, impartial judgment, his remarkable reasoning powers, his gift of nice and correct discrimination, made up a mental organization distinctively legal. While at the same time his large and well proportioned head, with its high, expansive forehead, set firmly on his broad, square shoulders, gave him a personal appearance in keeping with his mental

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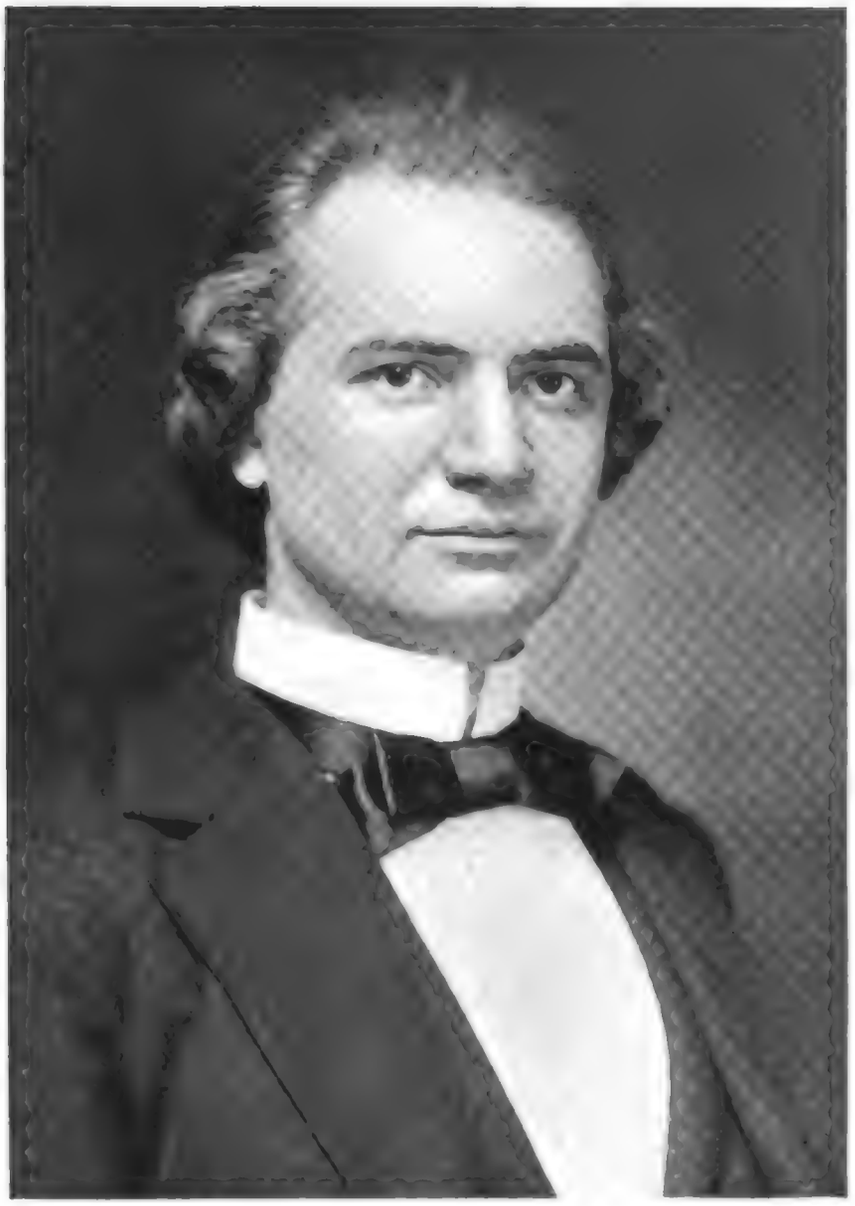

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William H Young

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tact, sound business judgment, and great personal magnetism, and is an effective stumper and jury advocate. He has hosts of devoted friends attached to him by his warm-hearted and generous nature, and holds an enviable position at the Bar as an able and successful lawyer. In speaking of him and his brother, a prominent Dayton lawyer said: "Both are strong in their respective positions, and there is no law firm in this section of the State more generally respected by the profession than the firm of Young & Young."

CHARLES W. DALE, Dayton. Without stopping to consider the causes that contributed to that condition, the fact remains that the Dayton Bar, in point of ability, ranks among the very highest in the State. There never has been a time within the past fifty years when the Bar of Montgomery county did not number among its members some of the brightest legal lights in the State, and the same is true to-day and will be twenty-five years hence, because of the logical fact that like causes inevitably produce like effects. In 1840 C. L. Valandigham and Robert C. Schenck were young practitioners at the Dayton Bar, without fortune or fame. Twenty-five years later their utterances attracted the attention of the civilized world. Never before in the history of the Dayton Bar was there such an array of promising young attorneys as at the present time, and a brief sketch of one or two of them will not be without historical value. Among the most conspicuous of these rising lawyers we mention the name of Charles W. Dale, police court judge of Dayton. He was born at Germantown, Montgomery county, Ohio, September 13, 1861. His preparation for his life work began in the public schools of his native town and, fortunately for him, they were good ones. He improved his opportunities and when he was graduated from them he was thought perfectly competent to take the position of instructor, and for four years after completing his course he taught in the public schools of the town. While teaching he continued his studies and read law to such advantage that when, in 1882, he entered the Law Department of the Cincinnati Law School and University, he had a better education than had many men at the beginning of their careers who rose to high places in their profession. He was graduated from that institution in 1883, and the same year was admitted to the Bar and entered on the practice of his profession at Dayton. He used the same degree of energy and intelligence in building up a clientage as he did in obtaining an education, and succeeded in the latter as he did in the former. He compiled a book entitled "Familiar Laws," that has attained quite wide circulation. In 1892, when the police court was established at Dayton, he was elected as its first judge, and so satisfactorily and well did he discharge the duties incumbent upon him that at the expiration of his term he was re-elected for another term of three years. He possesses the qualifications of a good judge as well as successful advocate. He is well grounded in the principles of law, quick and accurate in his judgments. He is a pleasant, ready and forceful speaker.

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In politics he is a pronounced Republican and takes an active interest in the success of his party. He was prominently mentioned as the candidate of his party for Common Pleas judge, to succeed Judge Elliot. Judge Dale is a bachelor, and a prominent figure in the social life of the city. He has in him the elements of success, and whether he continues on the Bench or practices his profession at the Bar, is destined to rise higher in his calling. To give an idea of the estimation in which he is held, we quote the language of one of the leading members of the Dayton Bar: "In the history of this Bar there are few men who have risen faster in public estimation than has Judge Dale. He has ability, discharges his duty conscientiously under every circumstance and has more than met public expectation. He has met strong public approval as a municipal judge. He has maintained himself well in every position he has occupied since he began his practice at the Bar."

JOHN C. CLARK, Greenville. The descent of Honorable John C. Clark is from three nationalities, English, German and Irish. His father, Benjamin H. Clark, was of English and German extraction, was born in Lebanon county, Pennsylvania, and settled in Ohio in 1831, as a farmer. His mother's maiden name was Martin, her ancestry German and Irish. He was born in Darke county, January 17, 1849. His early education was obtained in the district school; his boyhood employment was on his father's farm. He had no opportunity to take a course in college, but after completing the branches of study in the common schools he attended the Greenville high school and made such proficiency as enabled him to teach. While engaged in teaching he pursued his studies farther in Latin, mathematics and other sciences, in history and English literature. His inclination to the law was early, and among the influences which attracted him to it may be mentioned the exalted character of the profession; the numerous avenues it opens for advancement, position and self-culture. He began the study of law with Judge A. R. Catherwood and H. M. Cole, October 6, 1875, and was admitted to the Bar by the District Court at Greenville, in May, 1877. The nature and scope of his practice are such as occupy the time and talents of the average lawyer in country towns. He has endeavored to confine himself to the best class of cases and it has been his habit to refuse cases that appear to have no merit. His preparation both as to the law and the facts is thorough before he enters upon the trial of a cause. And when such careful preparation has been made his case is presented clearly and conducted vigorously. He has carried into the profession of law the habits which he formed as a student at school, which marked his course while engaged in teaching. The offices which he has held are strictly in the line of his profession. He was prosecuting attorney of Darke county from January 1, 1881, to January 1, 1886. Since May, 1893, he has been one of the judges of the Court of Common Pleas for the Second Judicial District. His execution of the duties of prosecuting attorney was such as to commend him to the

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[illegible] prominence to his personality. In the sum[illegible] [illegible] was [illegible] born in Columbia for judge of the Supreme Court of Ohio, competing [illegible] [illegible] amount. In the November election he carried [illegible] majority over any candidate [illegible] elected but for the unprecedented majorities given against [illegible] Franklin and Montgomery counties. He was born [illegible], in Mas[illegible] Greene, of Franklin, a highly educated [illegible]

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OSCAR M. GOTTSCHALK, Dayton. Mr. Gottschalk [illegible] August, 1841. He was brought up in [illegible] [illegible] desire. His personal [illegible] America [illegible] [illegible] States. Mr. Gottschalk [illegible] in New York State [illegible] part in the war [illegible] [illegible] the public schools of Dayton [illegible]

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and it was a good one for Mr. Mason, as it gave him an able assistant. This partnership continued until General Mason's death in 1870. His next partnership was with Judge Goode, and he was never thereafter without one or more partners, which the large business made a necessity. The style of the firm at different times was Goode, Bowman & Scott; Bowman, Pringle & Scott; Bowman, Summers & Bowman; and Bowman & Bowman. Until the death of the senior partner, the latter firm was composed of Samuel A. Bowman and his sons, Edmond O., John E. and Border. Early in his career he became known as a forceful man of strong parts and numbered among his clients some of the largest corporations in the State. He was attorney for the Little Miami Railroad for thirty years, for the Cincinnati, Sandusky and Cleveland many years, and for the Cleveland, Cincinnati, Chicago and Indianapolis, now known as the "Big Four" Railroad. He had a very extensive practice in the State and Federal Courts, and tried many cases involving large sums of money. Between the years 1870 and 1885 his practice extended into several States, particularly in patent litigation. He was purely a lawyer, and his profession was his only ambition. His mind was a remarkable one. He seemed to grasp the salient points in a case almost by intuition. When satisfied that he was just in his contentions, he was a bold and fearless lawyer, and generally succeeded in gaining his point. Mr. Bowman was a close student both of nature and books. He possessed a mind of great natural vigor and strength, which was trained to its highest capacity by methodical study, reading and thought. He had the useful faculty of focusing his powerful mind on the subject before him and the ability to express his conclusions in a clear, concise, logical manner. He was absolutely incorruptible, honest alike to friend and foe. He was strong and aggressive; untiring in a cause, when he believed in it; always faithful and true to the interest of his clients. He would not do a mean thing, and abhorred deception in others. All of his learning in the law was at ready command, which added to his effectiveness in argument and advocacy. Speaking of his position at the Bar of the State and in local circles, the president of the Clark county Bar association, among other things, said:

"Mr. Bowman was for many years the first citizen of Springfield, respected by all, loved by many, and greatly admired by those who knew him best. A man of great natural ability; thoroughly educated in his youth; with a clear, strong and brilliant mind, enriched by much knowledge acquired in many fields of literature and science; noted for his perfect integrity, and a moral character without reproach; and ardently devoted to the noblest of all the learned professions; he was distinguished—and long deserved to be distinguished—as one of the best lawyers in Ohio. In a better locality for the exercise of his talents he would have acquired national fame as a lawyer. If ambition had led him into politics, he could easily have reached an exalted station in public life; and professional honors of the highest order would not have been beyond his grasp."

His forty years' practice at the bar brought him high reputation and for his family a competence. As a citizen he was pre-eminently public-spirited, and his office was the rendezvous of the projectors of every public movement. He was practically the originator of such enterprises as Ferncliff Cemetery, the

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savings bank, the Associated Charities, the Springfield Seminary, in its present form, and the Gentlemen's Literary Club. He was a charter member of the cemetery board, drew up the articles of incorporation, and was a member of the board of directors from its formation to his death. The Associated Charities was particularly the creation of his heart and brain, and he was its leading spirit until his retirement, on account of failing health. He was for a number of years a director of Wittenberg College. In 1881 he purchased the Foos interest in the Second National Bank for the Messrs. Whitely, and was for a year or more a director and president of the bank. Mr. Bowman was married December 23, 1856, to Miss Adeline Ogden, of Springfield, who died July 5, 1895. They left six children, Edmond Ogden, John Elden and Border, of Springfield; William H., of Beatrice, Nebraska; Mrs. Laura Elder, of Indianapolis, and Mrs. May Showell, of Dayton, Ohio. In politics Mr. Bowman was a Republican, in church relations a Presbyterian; but in all things a broad-minded and liberal citizen.

AUGUSTUS N. SUMMERS, Springfield. Judge A. N. Summers was born in Shelby, Richland county, Ohio, June 13, 1856. He is one of the nine children born to Rev. Daniel Summers and Louisa Hine, his wife. His father, a native of Pennsylvania, was educated for and is engaged in the ministry of the Lutheran church. His mother, a native of Illinois, and a woman of estimable character, died some years ago. He came to Springfield from Vandalia, Montgomery county, Ohio, to enter Wittenberg College. He completed its course of study, and graduated from that institution in the class of 1879, and received the degree of A. M. in 1881. Immediately after graduation he began the study of law in the office of the late Samuel A. Bowman, who was then one of the ablest and most successful lawyers of Springfield and of the State, and upon his admission to the Bar in 1881 entered into partnership with him, under the style of Bowman & Summers. He was elected city solicitor of Springfield in 1885, and re-elected in 1887 and 1889. He was elected one of the judges of the Circuit Court for the second circuit in 1894 for the term of six years, and entered upon the discharge of his duties in February, 1895. He was married November 17, 1887, to Nellie Thomas, daughter of Honorable John H. Thomas. They have two sons, Thomas Bonser and Daniel. Judge Summers is a polished and scholarly gentleman, of refined tastes, strong native abilities and habitual diligence. He is an accomplished advocate and a thorough lawyer, amply qualified in every respect to discharge the duties of his high office, and is an honest and upright judge and a man of spotless integrity of character. He is a progressive, public-spirited citizen, enjoying the highest respect and esteem of all who know him.

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JACOB KREIDER MOWER, Springfield. Any history of the Clark county Bar for the last forty years that did not contain copious reference to Jacob K. Mower would not be a faithful record of the events as they transpired. During the period of his practice at Springfield he has seen men of his own age, who were his colleagues in the early years of his professional life, rise like meteors and attract the attention of the millions; but it was rather by the display of their peculiar genius than by the usual slow and painstaking methods of the lawyer. A man may by the delivery of a brilliant speech on the floor of Congress, or by the successful turn of a battle, become famous in a day; but success at the Bar does not come that way. Of all the lawyers, living or dead, who have tried cases in the Clark county courts during the last half a century, there is no name that appears oftener than J. K. Mower. He is purely and only a lawyer; has not used his profession as a stepping stone to political preferment. The only political office he ever held was that of county representative in the State legislature for one term, and that was not of his own seeking. He is one of the kind of lawyers whose devotion to the profession inspires admiration. His clients place their interests in his hands with a feeling af absolute confidence that they will receive the best attention he is capable of giving them. His honesty is unquestioned, and his lawyer-like abilities are undisputed. He has built his reputation mainly as a trial lawyer. His judgment as to the value of evidence is discriminating. He has the happy faculty of getting the facts from the witnesses and knows where to stop, both in direct and cross examination. He is a pleasant speaker, logical and convincing, rather than brilliant; his arguments have great weight with a jury. Like most of the men who have gained prominence in their profession, he was raised on a farm. His parents, George and Mary Mower, were natives of Pennsylvania, and our subject was born in Franklin county of that State, April 4, 1833. They came to Ohio when Jacob was but one year old and settled on a farm near the village of Ontario, in Richland county. The rudiments of his education were obtained in the district school near his home, and these were supplemented in later years at the Massillon high school. His collegiate education was obtained at the Ohio Wesleyan University and the Ohio University at Athens. He was graduated from the latter in 1856, receiving the degree of A. B., and A. M. three years later. Soon afterwards he became superintendent of the Athens public schools, devoting his leisure to the study of law text-books. Later he entered the office of Leonidas Jewett, where he continued his studies until 1858, when he was admitted to the Bar. In December of the same year he took up his residence in Springfield and opened an office for the practice of his profession. He began alone, but later associated with him a Mr. Rawlins, under the firm name of Mower & Rawlins, and this business relation continued five years. He never formed another professional or business partnership until his son became associated with him. He served as city solicitor for two years, 1868 to 1870, and the next two years was in the State legislature as the representative of Clark county. He was for five years a member of the board of education of the city of Springfield, from

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1873 to 1878, and four years president of the same. Practically his professional life has been unbroken since he opened his office. While he has not been a politician, he has always held firm and pronounced political convictions. He cast his first vote for the first Republican Presidential candidate, John C. Fremont, and has affiliated with that party ever since. His anti-slavery views he acquired by inheritance and education. His father was first a Whig, then a Republican and always an anti-slavery man. In the days when the "underground railroad" was kept in active operation, neither the youthful Jacob nor his more experienced father hesitated or refused to pilot the fleeing slaves from their home to Oberlin, where they were provided with a safe cover. Mr. Mower was married December 2, 1858, to Miss Eunice M. Rice, the intelligent and cultured daughter of Dabinus and Pamelia Hilberd Rice, of Amesville, Athens County, Ohio. Mr. and Mrs. Mower have three children, two daughters and one son. Mabel, the eldest, was graduated from the Ohio Wesleyan University with the class of 1882, and received the degree of A. B. Alice Mary took the same degree at Wittenberg College, Springfield, in the year 1884. Carl Kreider was graduated from the same institution in 1886, and after studying law in his father's office for three years, was admitted to the Bar in 1889. He is now the junior member of the firm of Mower & Mower.

WILLIAM JAMES GILMORE, Columbus. Judge Gilmore was born in Liberty (now Bedford City), Bedford county, Virginia, April 24, 1821. He was the son of Dr. Eli Gilmore and Clarissa Mosby Clayton. Both were natives of Virginia. The father became a prominent physician in the community in which he lived in Ohio; the mother was a sister of the Honorable Alexander M. Clayton, of Mississippi, for many years a member of the High Court of Errors and Appeals of that State. William Gilmore, the grandfather of the subject of this sketch, moved from Virginia to Ohio in 1818, and was followed in 1825 by Dr. Gilmore and his family. They settled in Israel township, Preble county, a community consisting then, as now, almost exclusively of Associate-Reformers, Covenanters and United Presbyterians of Scotch and Scotch-Irish descent. Here young Gilmore obtained such elementary education as was afforded by pioneer teachers in the log school house, and at Hopewell and Westfield academies. He began reading law in 1844 in the office of Honorable Thomas Millikin, at Hamilton, Ohio, and completed his studies with J. S. & A. J. Hawkins, in Eaton, Ohio. While prosecuting his studies he supported himself, as he had for some years before, by teaching school, clerking, and as a farm laborer. He was admitted to the Bar by the Supreme Court of Ohio at Columbus on the 8th day of December, 1847. With the exception of a portion of the first year after his admission, his office was located at Eaton; but his practice called him into all the surrounding counties, where he was known as a very successful lawyer. The public offices which Judge Gilmore held were all in the line of his profession. He was

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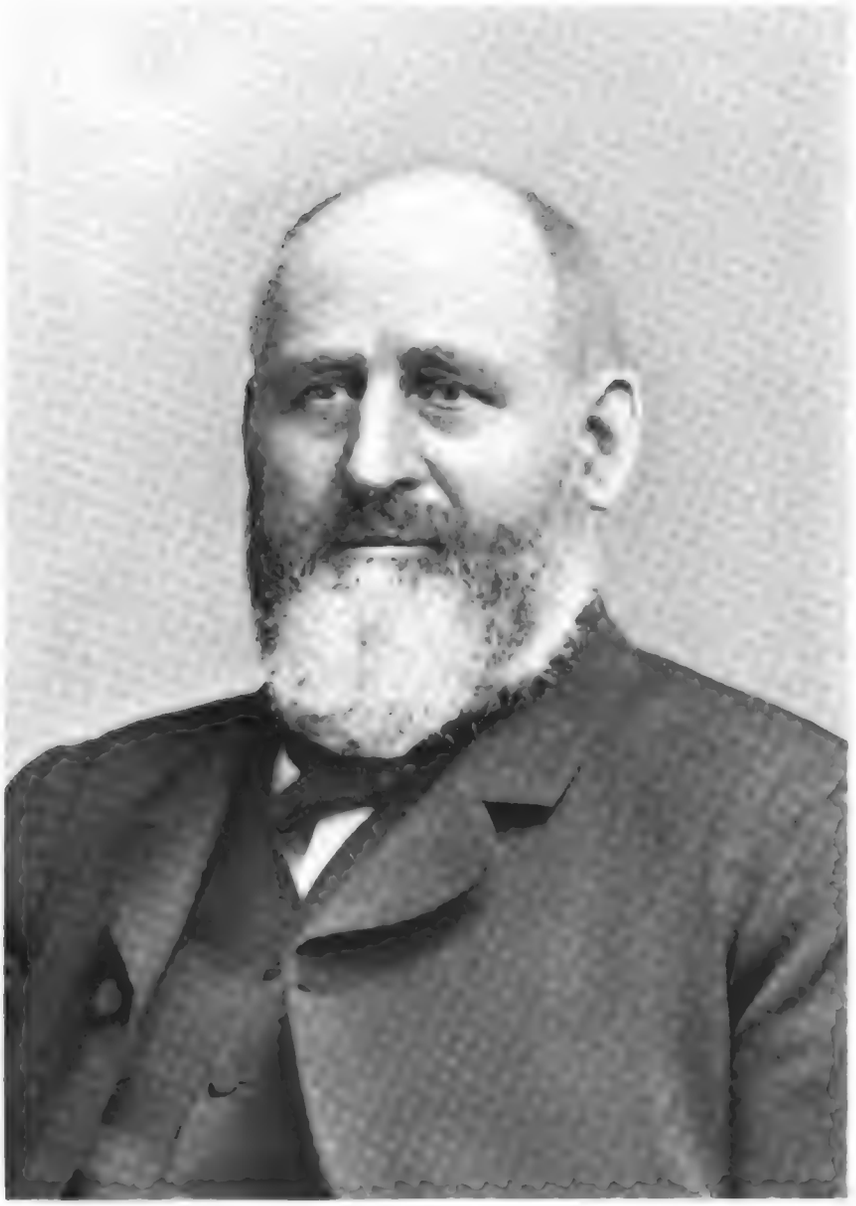

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hospitality characteristic of log cabins and enterprising settlers. When sufficiently advanced in his studies he was employed in teaching the district school for several winters, and extended his studies to academic branches in the academy, which marked the progressive instincts of the people among whom he lived. While engaged in teaching he directed his course of reading with a view to entering the legal profession as soon as the opportunity offered. His preliminary study of the law was under the instruction of the late Judge Ebenezer Parsons, of Miami county, and he was admitted to the Bar in June, 1851. For almost a year thereafter he was travelling in the West, and it was not until 1853 that he settled in Greenville for the practice of his profession. The discipline acquired by study and teaching, the habits of industry formed, and the close application to books, together with an excellent natural capacity, qualified him for success in the law. He made his way unaided among the attorneys of the county and soon established himself as a lawyer. In 1856 he was elected prosecuting attorney for the county and was re-elected in 1858, serving four years. His preference for the practice rather than the duties of public office was so pronounced that he yielded reluctantly to the solicitation of friends to accept even the judgeship. He persistently declined to permit the use of his name as a candidate for Congress, although he was frequently urged for that important position. In 1861 he was elected judge of the Common Pleas Court of the First Subdivision of the Second Judicial District for a term of five years, but resigned after four years of service and was succeeded by Judge William Allen. Resuming the practice, he was permitted to continue it without interruption until October, 1872, when he was appointed judge by Governor Noyes, on the unanimous recommendation and petition of the Bar in every county of the judicial district. This appointment was for the unexpired portion of the term to which Judge McKerny had been elected. His service on the Bench was so acceptable to all the people that he was chosen at the election next following to succeed himself without opposition. Both of the leading political parties nominated him, and the members of the Bar without dissent recommended his election. After this he was re-elected for two terms and declined a third because of failing health. It is given to few men to enjoy the public confidence to a degree that disarms all political opposition. The example of Judge Meeker is almost unique. Although a member of the Democratic party and a partisan, in the sense of supporting its principles and candidates, he was known to be so fair and impartial as to be universally trusted by political adherents and adversaries alike. He was married June 18, 1857, to Miss Mary A. Deardoff, daughter of John Deardoff, of Darke county, who bore him eight children, and died November 21, 1876. He was married again September 5, 1878, to Miss Jennie D. Crisler, of Eaton, Ohio, a woman of many accomplishments, who presided over his household with dignity and grace, assisting him to dispense the hospitality for which his home was noted. His tastes were essentially domestic, and he found the pleasures at home which some men seek at the club. The time not necessarily devoted to business was spent in the society of his family and among the inspiring,

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renewing influences of home. One of the leading lawyers of the district has furnished a characterization of him substantially in the following terms: Judge Meeker filled a place in the history of this judicial district that is creditable to himself and honorable to the profession. A judge for a period of almost twenty years, he retired from the Bench with the highest respect of the profession and admiration of the public. He was always a close student, and when in practice was known as a hard working lawyer, and likewise a successful one. His greatest reputation, however, will rest on his work as a judge. His judgment was almost unerring. He possessed what is well termed a legal mind; understood thoroughly the principles of the law; was painstaking in his investigations, and accurate in his decisions. He was always fearless and impartial in the discharge of every duty. There has never been on the Bench in the history of this judicial district a judge who held the confidence of the profession and the public to a greater degree. His personal popularity was unbounded. Nature made him a gentleman, and he made himself a lawyer. One of the sources of his popularity was undoubtedly his unassuming manners, unfeigned cordiality, his fine sensibilities, and readiness to help his fellow men. Both in the relations of private citizenship and in public office, Judge Meeker's life was irreproachable. Not only was he an able jurist, but also a successful business man. He possessed one of the finest homes in the county, accumulated a competence and left a valuable estate. Judge Meeker died September 5, 1896, suddenly, at his home in Greenville. While at the supper table he was stricken with partial paralysis, which became complete a few minutes later, causing a painless death within three hours. The tributes to his character and worthiness, expressed in a memorial meeting of the Bar and in the funeral service, were hearty and sincere. They testified that he was not only an incorruptible judge, but scrupulously, delicately and conscientiously free from all willful wrong, in thought, word or deed. His uniform kindness and patience to the younger members of the Bar were marked. In later years he was accustomed to recount for the edification of the young lawyers his own early struggles to secure success, the discouragements he encountered and the difficulties he had overcome. He was not a dreamer in any idle sense, but as a boy looked forward hopefully, spurred to his best endeavors by high aspirations. In a paper read at his funeral by Mr. D. W. Bowman, a former law partner, it is said that throughout a career of nearly half a century at the Bar and upon the Bench, the day dream of his boyhood, the cherished desire of his heart in youth, was never lost sight of, but kept in full view. With this noble longing for professional success he wore the judicial ermine for twenty years, and laid it aside as spotless as when it first touched his shoulders. He achieved a fame that posterity will not willingly let die. Judge Meeker's second marriage was without issue. All of his children by his first marriage survived him. They are as follows: Frank D., Greenville, in loan and real estate business, lately married to Emma Anderson, of Franklin; Sadie E., married to D. L. Gaskill, attorney at law, Greenville, a late partner of the deceased; Walter S. Meeker, attorney at law, Greenville, late partner of the deceased, married to Minnie

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Lowry; Mary C., married to J. R. Smith, druggist, Dayton; Nan Meeker, Greenville, unmarried; Verge G., married to W. H. Gilbert, attorney at law, Troy; Alice M., married to A. R. Crawford, of Ventura, California, deputy clerk of the court; Carrie W. Meeker, Greenville, unmarried.

FRANCIS MARION HAGAN, Springfield. Of the members of the Springfield Bar who owe their prominence entirely to their acknowledged legal ability must be classed Francis M. Hagan. He was born June 10, 1844, in Clark county, on a farm in Mad River township. His father, Hugh Hagan, was a native of Northumberland county, Pennsylvania, born in 1803, and came to Ohio with his parents in 1815. The paternal grandfather of Francis M. was a native of County Monahon, Ireland, and was a Scotch-Irishman. He came to America in 1798 and settled in Pennsylvania. Seventeen years later, attracted by the fame of the Northwest Territory and Ohio, the first State erected therein, he pushed westward over the mountains with his family and established a home in the fertile valley of Mad River, Clark county. The subject of this sketch may rightfully claim Ohio citizenship, also by inheritance. His mother, Anna Furay, who was of French-Irish extraction, was a native of the State, born in Ross county, October 13, 1816, lived until 1892 and died in Clark county. Mr. Hagan obtained his early education in the common and select schools of his native township. His youthful ambition was to become a lawyer and his efforts to obtain a collegiate and legal training were unremitting until the object was accomplished. He was for some years a student in Antioch College, at Yellow Springs, but before he had completed the course his health failed and he was compelled to retire. The years of his early manhood were spent in teaching and reading law, never for a day losing sight of his guiding star. He was admitted to the Bar in 1873 and the next year began the practice of his profession at Springfield. In acquiring his legal education Mr. Hagan had not been satisfied with a superficial knowledge, but had been a hard student and had so thoroughly mastered the elementary principles of law that when he began practice he soon established such a reputation for marked legal acumen as to place his name among the leaders of the Clark county Bar while he was yet a comparatively young man. He has not been ambitious for political honors, as his profession has been and is his ambition. The places of trust he has filled have not been used as stepping stones to higher honors, but rather as means to increase his useful and practical legal knowledge. He has never occupied any office outside of his profession, with one exception, for a short time, though he has occupied a number of places of honor and trust in the line of his practice, and in every one of them he has maintained himself in such a manner as to gain a higher place in the public estimation. He was elected city solicitor in 1879, and so fruitful of good results for the city was his administration that he was again elected to the same office in 1883, and in that election received the unqualified endorsement

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JAMES W. ROBINSON, Marysville. Honorable James W. Robinson was born in Darby township, Union county, Ohio, on his father's farm, November 28, 1826. He is of Scotch-Irish extraction and one of the eight children born to John W. and Elizabeth Mitchell Robinson. His paternal ancestors were Presbyterians, and his grandfather, Rev. James Robinson, was a zealous and prominent minister of that church, a man of acknowledged piety, great zeal, and distinguished for his faithful and effective service in the cause of the Master in western Pennsylvania and Central Ohio. His father, John W. Robinson, brought up in the faith of his fathers, was an elder in the Presbyterian Church for many years and a capable man in his personal affairs, as well as public business. Although a farmer during his entire life, he held the offices of justice of the peace and county commissioner; was highly esteemed for his integrity and uprightness until his death, in 1853. His mother, a woman of remarkable gentleness of disposition, as well as strength of character, was a native of Union county, Ohio, and a daughter of Judge David Mitchell, who settled in the Territory of Ohio in the closing year of the last century. Judge Mitchell was a strong man in ability, moral character and purpose. He was one of the first associate judges of Union county. James W. Robinson was born at a time when it was the fashion for boys to work. There were no "gentleman farmers" in the neighborhood; all were working farmers occupying small tracts of land, covered for the most part with primeval forests. The occupation of his boyhood was to assist in clearing the underbrush, opening up a farm and cultivating the soil among the stumps of the new clearings. It was toil early and late—the kind of toil that raises blisters on the hands and stone bruises on the bare feet; toil that is in the nature of an investment and finds its chief present reward in hope of better things for the future. He was favored above many of his fellows in having intelligent ancestors who were liberally educated, and who transmitted to him more than average intelligence, a tendency to do right and a disposition to perform the duty of the present as it came to him. An aspiration for learning was also a part of his inheritance, and with eagerness he made use of the meager advantages afforded in the district schools, which he attended a part of each winter until fifteen years of age. His fondness for books and the desire for learning increased with his years and his knowledge. His father wisely decided to permit him to follow his own leadings to the fullest possible extent. This decision was rendered easier by the delicate physical organism of the boy, and a condition of health which in some degree unfitted him for the labor of the farm. Therefore young Robinson placed himself under the instruction of Robert Wilson, a successful teacher who was conducting a private school near Milford. He made rapid progress in the common branches, and soon evinced a strong inclination to take up the study of Latin. In order to gratify this desire, he was instrumental in securing as teacher of the district school in the neighborhood a man versed in the Latin language. At seventeen he was employed as teacher of a district school, for which he received the customary remuneration of eight dollars a month. During the time of his

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J. M. Robinson

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employment as teacher he pursued his Latin studies under the instruction of an educated minister living four miles distant, making trips on horseback to attend recitations. Spurred by an ambition to attain high scholarship, he applied himself assiduously under the direction of this minister, until he was qualified, not only to enter college, but for admission to the Sophomore class. He matriculated in Jefferson College at Cannonsburg, Pennsylvania, which, subsequently united with Washington, formed Washington and Jefferson College, at Washington, Pennsylvania. He was graduated with honors in 1848 in a class of seventy-two. After leaving college he became principal of a select school at Woodstock for a term, and then settled in Marysville, where he taught in the old academy. Simultaneously with teaching he studied law under the instruction of Otway Curry, then a distinguished lawyer. After this preliminary reading he took a course of lectures in the Cincinnati Law School, securing the degree of Bachelor of Laws in 1851. He was admitted to the Bar in April of that year, and became associated in partnership with his former preceptor in the law. The firm of Curry & Robinson was one of the strongest and best known in the county, having a large clientage and a profitable business. His next partnership was formed in 1869 with Leonidas Piper, and continued in force for nineteen years. Upon the election of Mr. Piper to the office of Probate Judge, in 1888, Mr. Robinson became associated with his brother, Colonel A. B. Robinson, and Mr. R. L. Woodburn, thus constituting a firm which controlled a large amount of business in the circuit. During his active life Mr. Robinson has given much time to the public service and to politics. Starting as a Whig, he was identified with that party until its dissolution. His deep convictions on the subject of slavery naturally led him to join the band of patriotic men who formed the Republican party. And during the forty years that have elapsed he has been one of the able exponents of the principles, and one of the influential supporters of the policies of the Republican party. In 1851, six months after his admission to the Bar, he was elected prosecuting attorney for Union county. In 1857, and again in 1859, he was elected a member of the Lower House of the Ohio legislature, and acquitted himself honorably as a law-maker. His views of the needs of the State were broad and practical, and as chairman of the judiciary committee he was able to exert a wholesome influence on the work of legislation. In 1864 he was again elected to represent his county in the legislature. During the Civil War he was one of the ardent supporters of President Lincoln, unwavering in his devotion to the Union, and active in the work of advancing measures for the prosecution of the war. In 1872 Mr. Robinson was elected as the Republican candidate to represent his district in the Forty-third Congress, defeating General C. W. Morgan. The district then comprised the counties of Union, Hardin, Marion, Morrow, Delaware and Knox. He was well qualified for the work of the National House of Representatives. His knowledge of the law and parliamentary usage, his experience in a legislative body, his readiness in debate, his general information and high principle, gave him a standing and influence in the House of Representatives.

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He had learned the importance of modifying his own views in order to secure the co-operation of others, and carry through important matters of legislation; but he never compromised on a question of principle, or yielded his convictions of duty to conciliate a fellow member. He thought clearly and reasoned well, without any pretense to rhetorical flourish, or what is popularly characterized as eloquence. He never claimed the attention of the House without having something important to say, and therefore was able to command attention when he spoke. Some of the important reconstruction measures were considered and passed during his membership of the House. He voted for the civil rights bill, the bill for the resumption of specie payments, and as a member of the committee on elections opposed the admission of George Q. Cannon, the Mormon representative from Utah—not on account of his religious views but because of his tolerance and practice of polygamy. As a candidate for re-election in 1874, he was defeated in that reactionary campaign which followed the second election of General Grant, and the Jay Cooke panic of 1873. In 1890 Mr. Robinson was chosen a member of the State Board of Equalization of the real estate of Ohio, on which he was both capable and efficient. He has travelled widely throughout the United States and familiarized himself with the geography, as well as the people, of the different sections. He has never at any time discontinued the practice of law since his admission to the Bar, at which he gained a reputation during the early years of his professional life. As a lawyer his success has been eminent, and the dockets of the courts will probably show that he has tried as many cases as any lawyer in the State. His standard has always been high, and he has never resorted to any of the tricks or subterfuges by which a practitioner sometimes gains a temporary advantage. He takes no position that is not tenable, and makes no statement that can be controverted. His method of preparation is such that he is always ready for trial, and he has therefore very seldom asked a continuance or pleaded for any delay. His devotion to a client arises out of the peculiar relation, and is not measured by the amount of the fee or the prospective advantage contingent upon success. He gives to the case of the poor man, where little is at issue, the same conscientious attention as to that of the rich man whose case involves thousands. His perception is keen, his mind versatile, and he displays remarkable tact in the trial of a cause. He is also remarkable for his capacity to dispatch business. He is a strong, careful pleader, an able trial lawyer. Throughout his life he has been a devoted, zealous member of the Presbyterian Church, and since 1855 has been an elder of the church. He is active in promoting its interests through the Church Extension and Education societies. He is a member of the board of trustees of Wooster University, which in 1896 conferred on him the degree of LL. D. Mr. Robinson has been married twice, the first time in 1855, to Mary J. Cassil, daughter of the late Judge John Cassil, of Marysville, a lady of wide influence, sustaining a most excellent Christian character. By this marriage he had two children, Arthur H., who died in his sixteenth year, and Alice B., who died January 13, 1894, less than four months after the death of her mother. July 22, 1896, he was married to Miss Mary E.

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Kent, of Rome, New York, daughter of Daniel and Caroline Palmer Kent. She is a lady of much refinement, who had been principal of one of the Marysville schools for ten years prior to her marriage. Mr. Robinson's home life has been beautiful always in the exhibition of those lovable traits of character which bind the members of the family together in mutual bonds of sympathy, affection and trust, and his home offers a delightful hospitality to friends. His whole life, indeed, has been singularly free from reproach, and his record is entirely clear.

CHARLES D. MARTIN, Lancaster. Fairfield is not as populous as some other counties in Ohio, but has furnished more than her proportion of citizens who have achieved distinction in the legal profession. Of the illustrious dead who added luster to the Lancaster Bar may be mentioned Henry Stanbery, two generations of Ewings, and Judge Hocking Hunter. Of the living, Judge Martin is the most prominent. He is a native of Ohio, born at Mount Vernon August 5, 1829. His parents were Joseph and Susan (Thomas) Martin, the former of Irish and the latter of English descent. His ancestors on both sides came to America in colonial times, his father's people locating in Pennsylvania and his mother's in Maryland. His paternal grandfather came to Ohio in 1806, when his father was a boy, and located in Knox county. His mother's family came to this State from Kentucky about the beginning of the present century and settled in Delaware county. Judge Martin's early education was obtained in the public schools of Mount Vernon, which was supplemented by a course in Kenyon College, at Gambier. He took up the study of law at Lancaster under the tutorship of his relative, John D. Martin, in the office of Martin & Effinger, at that time a prominent law firm of Fairfield county. He took the usual course of two years, and was admitted to the Bar in 1850. He at once began the practice of his profession at Lancaster, and has followed it continuously to the present time, with the exception of two years' service on the Supreme Bench, as a member of the Supreme Court Commission. He was a hard student, a diligent worker in the interest of his clients, and possessing ready tact and a genial disposition, his rise in the profession was rapid. Thoroughness was his chief characteristic, and he always depended on law and logic to win his case rather than embellished oratory or merely plausible arguments. He was always eminently fair, and never stooped to take a mean advantage. In the fall of 1858 he was nominated on the Democratic ticket to represent his district in Congress, and was elected, his term expiring March 4, 1861. In the following interval of twenty years he continued the practice of law at Lancaster. In 1883 he was appointed by Governor Charles Foster as one of the members of the Supreme Court Commission to assist the Supreme Bench in clearing the docket, which was in arrears some twelve years. He served on this commission three years, when the work they were appointed to do was finished. During this period he discharged the functions of a Judge of the Supreme Court. Though a life-long Democrat, he was appointed to this

position by a Republican governor, a high tribute to his recognized ability as a lawyer. He was the candidate of his party on the State ticket for Supreme Judge in the years 1885 and 1886, but suffered defeat with the ticket. After retiring from the Bench he resumed the practice of law, which has occupied all of his time and attention to the present time. Judge Martin has made the law profession his life work, has engaged in no other business, and with the exception of his services in Congress, has accepted no office outside of the line of his profession. In his political alignment he is a Democrat, but he has taken no active part in politics in recent years. Judge Martin was married in 1873 to Miss Anna Mithoff, daughter of the late G. A. Mithoff, of Lancaster. They have three children living.

PHILEMON BEECHER STANBERY, Pomeroy. Philemon Beecher, a native of Virginia, was an eminent member of the great Bar at Lancaster, of which Thomas Ewing was so long the acknowledged leader. His daughter married the late Henry Stanbery, who was the second member of that Bar, in point of ability and distinction. Philemon Beecher Stanbery was one of the five children born to Henry Stanbery and Frances E. Beecher, and in his christening was perpetuated the full name of his grandfather. Springing from such parentage, Judge Stanbery was naturally a lawyer. He could scarcely avoid active relations with the profession, save by violating every native impulse and every hereditary attribute. He was born at Lancaster, where his father had begun the practice of law, May 5, 1832, and his education was begun in the public schools. He then spent four years in the Kinsley Military Academy, situated on the Hudson river one mile below West Point, entering at thirteen and leaving at seventeen years of age. Like his father, he was fond of books and had aspirations for broad, classical scholarship. He progressed rapidly, mastering the text-books readily. At seventeen he entered Kenyon College, Gambier, where he remained two years. Kenyon was at that time one of the most reputable institutions for higher education in the West. Men who afterwards achieved great distinction were members of its classes. Mr. Stanbery, however, for satisfactory reasons, decided to complete his college course in the Ohio University, at Athens. He matriculated in the University, and was graduated in 1853. His first productive labor after graduation was in assisting a corps of civil engineers in surveying the line and establishing the grade of the Ohio Central and Little Miami railroads. When this work was completed, in 1856, he went to Fort Des Moines, afterwards the capital of Iowa, where he was admitted to the Bar, and opened an office for the practice of law. During his college course and subsequent thereto he had quietly and persistently pursued a course of reading and study in the law, under the direction of his father, and without much ado he was qualified for practice. He remained only two years at Des Moines and then removed to Leavenworth, Kansas, where he resided until 1860. He was not satisfied with the West. His consciousness was never pervaded with a home-feeling west of the Mississippi.

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P. B. Shelley

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He felt the restraint of attachment to his native State, and this attachment drew him back after a restless sojourn of four years on the border. He settled at Pomeroy and established himself in the law, first forming a partnership with Captain S. A. Burnap, which continued several years. At the opening of the Rebellion Mr. Stanbery offered his services as a volunteer in the Union army, and was mustered in as first lieutenant of Company E, Fourth Regiment West Virginia Infantry, in July, 1861. He was at once appointed adjutant of the regiment, and in 1862 was selected by General H. B. Ewing as chief of staff, which position he held until his return to his regiment, in 1863. He was severely wounded at the siege of Vicksburg, in 1863, and in consequence of disability occasioned therefrom, received an honorable discharge from the service September 10, 1863. Upon returning from the field of carnage to the quiet and peaceful pursuits of home, Mr. Stanbery resumed the practice of law and enlarged his business gradually, keeping pace with the growth of his town and the increase of litigation. He was very soon elected mayor of Pomeroy, discharging both the administrative and judicial duties appertaining to the office with such popular approval as to command re-election again and again. In 1870 he was elected Probate Judge of Meigs county, and subsequently was re-elected twice, holding the office nine successive years. Judge Stanbery administered the estates which passed through his hands wisely and honestly. All of the rights and interests of widows and orphans, heirs and legatees were carefully protected. His official duty was performed in accordance with the law and his own sense of justice, without favor or prejudice. His intellectual integrity and moral honesty, no less than the obligation imposed by his oath of office, impelled not simply a financial accounting, but also painstaking investigation to ascertain the right and the equity of every claim, whether of heir or creditor. Through it all he maintained the judicial acumen, the unswerving impartiality and the discriminating sense of justice which belong to the legal mind; the sensitiveness to criticism and the delicate appreciation of honor, which are among the noteworthy characteristics of the noble and high-spirited man. In public office and in private life he has proved his fitness to be designated as the upright judge, the honest man. Judge Stanbery manages the business end of things with exceeding shrewdness and gratifying success. His financial ability is large. His personal affairs have prospered under wise forethought and exceptional sagacity. He has accumulated a fortune without the risk attendant upon promiscuous speculation. His investments are safe and legitimate. His standing among men is eminently honorable. In law he is a good counsellor; in finance a cautious, prudent manager; as a man and a citizen he is regardful of personal and civic virtue. He takes pride in perpetuating the comradeship and the memory of grand achievements of the late war, by active membership in the Grand Army of the Republic. He belongs to Gamaliel Bartlett Post, of Pomeroy. Judge Stanbery was married November 20, 1867, to Miss Margaret M. Hart. Five children were born of this union: Cecilia, Henry, Philemon B., Hart and Louisa. All of them are living except the eldest

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daughter, Cecilia, who died at the age of twenty-three. She was a most charming young woman in all the graces of person and the attributes of mind. Her vivacity, sweetness of temper, and loveliness of character lent a distinct attractiveness to the delightful home, and her early death brought to the hearts of doting parents the deepest grief. In remembrance of her inspiring virtues, and as a fitting memorial, Judge Stanbery erected at Pomeroy a handsome rectory in connection with Grace Episcopal Church, one of the most artistically beautiful church edifices in Southern Ohio, in architecture and adornment.

ALBERT C. THOMPSON, Portsmouth. Honorable Albert Clifton Thompson was born in Brookville, Pennsylvania, January 23, 1842. He was the third son of the Honorable J. J. Y. and Agnes (Kennedy) Thompson. His boyhood was spent in his native village until a lad of twelve years, when he entered the preparatory department of Jefferson College, at Cannonsburg, Pennsylvania, where he remained two years, giving up his academic pursuits, and returning to his home, because of a severe pecuniary loss sustained by his father at that time. The profession of the law early attracted young Thompson's mind, and when but seventeen years of age he entered the law office of Captain W. W. Wise, in his native village. The Rebellion, which broke over the land some two years after he had begun his legal studies, a second time separated him from his books, and following the example of thousands of loyal youths, who gave the years of their adolescence to their country, he shouldered a musket and joined the army at the front. April 23, 1861, then in his twentieth year, the young law student left his home and marched with Captain A. A. McKnight's three-months' men to join the army under Patterson, in the Valley of Virginia. Before the expiration of the three months' service, he was promoted to a sergeancy in Company I, of the Eighth Regiment. August 27, 1861, Mr. Thompson enlisted for the three years' service, as a private in Company B, One Hundred and Fifth Pennsylvania Volunteers, under the captaincy of John C. Dowling. His rise from the ranks in this company was rapid, being first promoted to first sergeant, and then in October to second lieutenant. November 26, 1861, he was transferred to Company K, same regiment, and on the first of the following December, still not twenty years of age, he was put in command of the company as its captain. When the young captain assumed command, the company was not in a state of the best discipline, and the men began organizing a "picnic" with their youthful officer. It was not long, however, until a better mutual understanding was reached, and in a few weeks there was not a better drilled, or better disciplined company in the regiment. Captain Thompson received his first wound at the battle of Fair Oaks, and by a freak of fate not relished by the soldier, the ball entered just below the shoulder at the back. He had just turned to give his company the command to advance, when the ball struck, and fortunately was deflected, making a severe and painful, but not a dangerous wound. After a short hos-

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pital experience, and a shorter visit to his home, where his wound was an object of public curiosity and pride, wounded soldiers being rare birds at that incipient stage of the war, Captain Thompson rejoined his regiment at Harrison's Landing, and was with his regiment at every subsequent engagement up to the second battle of Bull Run, where he received a wound pronounced fatal at the time, and from which he still suffers. His recovery was considered miraculous, and was due only to his youth and perfect physical organization, sustained by a will which at no time resigned itself to the thought of death. The wound was received just at the close of the fight, a few straggling shots only, indicating that the enemy had not been completely vanquished. The ball entered at the right breast, fracturing the second and third ribs on the way to the lungs, where it still remains, an unwelcome tenant, and a constant reminder of the terrible struggle. After receiving the wound, Captain Thompson was first removed to a boarding-house on D Street, Washington, where he was joined by his mother, whose ministrations did much to retain the faint spark of life which still lingered in his breast. From there he was taken by easy stages to Brookville, and there for ten months conducted a personal and determined fight against the great and common enemy. At the end of that time, he was sufficiently recovered to apply for a place in the invalid corps, which he entered in June, 1863, serving a part of the time on the staff of the provost-marshal for Kentucky, and the remainder in New York, enforcing the draft. December 10, 1863, Captain Thompson resigned and entered the law office of Honorable W. P. and G. A. Jenks, at Brookville. There he completed his legal preparation and was admitted to practice in the courts of Jefferson county December 13, 1864. In 1865 he removed to Portsmouth, where he has ever since resided, with the exception of a temporary residence at Washington during the three terms he served as a member of the Lower House from the Portsmouth District, in the Forty-ninth, Fiftieth and Fifty-first Congresses. Captain Thompson's career in the city and State of his adoption has been marked with high testimonials of the esteem of his fellow-citizens, such as any man would reflect upon with pride. Four years after his coming to Portsmouth, or in 1869, he was elected to the office of Probate Judge, and subsequently, in 1881, was elevated to the Common Pleas Bench of the Seventh Judicial District of Ohio, which position he resigned to take his place in Congress. Of Judge Thompson's career on the Bench nothing but the highest praise has ever been spoken by his brothers at the Bar, and by the people of the district, whose business before his court was always dispatched with promptness and exact justice. On the Bench, as in all other fields of action, he displayed a capacity to transact business which earned for him the gratitude of litigants and the respect of the profession. Upon his retirement from the Bench, he left not only clear dockets in his district, but a record which the invidious enmities that are the natural fruits of an active career have never attempted to disparage. Although always active in politics, being an uncompromising Republican, Judge Thompson's political career can be said to have commenced in the true sense with his first nomination for Congress, which

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occurred at Portsmouth in 1884. It is not the rule for a young Congressman, upon his first term, to enter very conspicuously into the work of the House, yet Judge Thompson's first term was one of the busiest that he ever served. He received an appointment as a member of the committee on private land claims, and at once entered actively upon his duties in that relation. The committee deals with the grants and concessions made to private individuals by foreign governments, and with the lands acquired by the United States either by purchase or treaty. This committee performs the office practically of a court, determining questions of the utmost subtlety in a legal sense. In that committee Judge Thompson was not only an active, but a very valuable member. In the Fiftieth Congress he served upon the invalid pension committee, a position which entailed a stupendous amount of work and gave an opportunity for the executive qualities which are so prominent in his mental organization. In the Fifty-first Congress he served on two of the most prominent and important committees, namely, judiciary and foreign affairs. As a member of the first committee the judge was made chairman of a sub committee to investigate the United States courts in various parts of the country. That the place was not a sinecure several judges of the courts could bear testimony, and against one in Louisiana articles of impeachment were preferred. The report which he submitted to Congress as chairman of that sub-committee was among the most valuable of the session. It was during that Congress the famous McKinley tariff bill was formed, and in the construction of that important measure Judge Thompson took no inconsiderable part, being frequently called into the councils of his party. He also wrote the 24th section of the bill, constituting the great smelting works of the country bonded warehouses for the storing of imported ores admitted free of duty, which, when refined, were exported in an unmanufactured state by the refiner. Judge Thompson's career in Congress was of material benefit to his adopted city, as it was through his efforts that a public building was erected in Portsmouth, costing $75,000. The bill providing for this building was vetoed by President Cleveland in the 50th Congress, but became a law by the President's sufferance in the 51st Congress. A dike, known as the Bonanza dike, built in the Ohio, just about that time, was also provided for through the same instrumentality, at a cost of $75,000, and three ice piers, built just below, were added at a cost of $7,500 apiece. The city also received the boon of free mail delivery from the same source. Judge Thompson's political career has been marked by many colossal struggles. The memorable fight at Gallipolis, when he had the nomination in his grasp and handed it over to the late General Enochs, was the most protracted and hardest-fought political struggle ever witnessed in a convention in this State, and fittingly closed a career which was marked all along the way by straightforward and honest fighting. After retiring from Congress and from active politics, the judge again returned to his profession, for which he always reserved the warmest impulses of his mind. In the interval since the spring of 1891, he has devoted his time assiduously to the practice of his profession, holding as far aloof from

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politics as is consistent with the requirements of good citizenship and the demands of the friendships which a long political career creates. He was chosen a delegate to the Republican National Convention at St. Louis in 1896, and accepted the honor, with all attendant responsibility, solely from a sense of duty and in the interest of the candidacy of his esteemed personal friend, Major McKinley. The latter had no more judicious or powerful supporter than Judge Thompson in the convention. He has received many and pressing invitations to again enter the arena and strap the political cestus to his hand, but he has persistently refused. In the spring of 1892 he was appointed a trustee of the Athens Assembly by Governor McKinley, and confirmed by the Senate, all without his knowledge, but he promptly declined the honor. One appointment from the hand of Governor McKinley he accepted, and that out of considerations of public duty, and because it did not necessarily detract him from his practice. In June, 1893, Judge Thompson was appointed a member of the Ohio Tax Commission, and was subsequently made its chairman by his confreres on the commission—Theodore Cook, W. N. Conden and E. A. Angell. In the work of this commission he took a conspicuous part—a work which is now bearing fruit in the legislation of the State on this great subject, and which is bound to come to fuller and better fruition as its suggestions and recommendations are better understood by our legislature. The report received the highest praise from contemporaneous journals of political science. *The Quarterly*, edited by the faculty of Columbia College, singled it out for this high praise: "Altogether, the report of the Ohio Commission is one of the most cheering evidences of the growth and more enlightened views on the subject of taxation. It does not exhaust the subject, but it certainly goes a great way toward the improvement of existing conditions." Judge Thompson's law practice, under the fostering care of the few years that he has devoted exclusively to it, has grown to solid and lucrative proportions. He enjoys his work, and in the range of it he has practiced before every kind of court this broad Republic furnishes, from the 'squire's dispensary to the robed dignitary who sits on the Bench of the United States Supreme Court at Washington. The judge is now in the enjoyment of good health, and looks forward to a long and pleasant life full of work, for repose is not to his taste. Judge Thompson has a clear, solid, logical mind. His natural ability is of high order, and this, with his wide and accurate knowledge of the law and his untiring industry, has placed him in the front rank of the profession. He is an earnest and forcible speaker, and always impresses court and jury with his devotion to his client and his cause. He is always thoroughly identified with the interests of his client. As a judge he was eminently successful, and it was on the Bench that he displayed the rich treasures of his mind. His wide learning, his patient investigation of every question, and his high sense of right and justice made him a magistrate of the highest order. He early learned the necessity of thorough preparation. All his work, whether at the Bar, on the Bench, or in Congress, bears the mark of patient investigation by a mind gifted with great powers of analysis and discrimination. Everything that has come from his hands is impressed with good sense, sound logic and the spirit of justice.

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David B Hebard

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pied by the above. This condition existed until the advent of Mr. Samuel A. Nash, a brother of the judge, who soon obtained a leading position at the Bar, which he has continued to hold. Judge Hebard, upon the retirement of Colonel Cushing, continued in practice, and his career as a practitioner has been interrupted only during his judgeship. In 1875 he was appointed judge of the Common Pleas Court by Governor William Allen, to fill a vacancy. The district was composed of the counties of Gallia, Athens, Meigs and Washington, and he served one year to the close of the term. Although politically the district contained a large Republican majority, he accepted the nomination of his party for the judgeship the succeeding term, and received a majority of the votes cast in Gallia and Washington, the county of his home and the county of his nativity. His successful competitor was J. P. Bradbury, now one of the judges of the Supreme Court of Ohio. The following editorial article was published at the time of Judge Hebard's nomination for judge of the Circuit Court:

"The Democratic ticket has been completed by the nomination of David B. Hebard, of Gallipolis, for the honorable and responsible position of circuit judge for the Fourth Judicial Circuit of Ohio. The place was tendered him without solicitation on his part, for he is a lawyer and a judge of the old school, who believes that a judicial office should seek the man and not the man the office. The several counties composing the circuit with commendable unanimity requested Judge Hebard to become their candidate, and, believing that no man should refuse the just and legitimate demands of the people, he has accepted. As a citizen he is known and honored for his high character and unimpeachable manhood. He has lived at Gallipolis since boyhood; he has filled positions of honor and responsibility. In every place, under all circumstances, he has demonstrated his ability and capacity, and has ever had an eye single to the interests of the people. As a lawyer, without invidious distinction, he stands in the front rank, always faithful to the interests of his clients. His profound learning, the recognition by the courts of his knowledge of the law, and his honesty in giving expression thereof, have given him an eminence seldom attained in the profession. His advice is eagerly sought, honestly given, and found to be correct. The history of the state does not show a man who has made a more honorable record on the Common Pleas Bench. * * * He was recognized and acknowledged to be a just and able judge. No greater compliment can be bestowed."

Judge Hebard's practice has been confined generally to the civil courts in Gallia county, although he has had numerous cases in the District and Supreme Courts. He has been engaged on one side or the other of most of the important civil cases tried in the county; but has not sought practice in the criminal courts. He served as prosecuting attorney for one term, having been elected in a county which, at the preceding election, gave a Republican majority of eleven hundred. He was an adherent of the Whig party during its existence, but favored the policy advanced by Senator Douglas as to popular sovereignty in the Territories, and supported Douglas for the Presidency in 1860. Since that time he has generally supported the Democratic party, but has not been active in partisan politics. He has been and is a communicant of the Episcopal Church and an active member of Sabbath-school

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from childhood. He is now the regular teacher of a Bible class. He has never been married. A prominent citizen of Gallipolis and a lawyer contributes the following:

"I have known Judge Hebard all my life. His reputation is unblemished, and he is recognized throughout the State as one of the most conscientious lawyers. In the preparation of pleadings he has no superior. He is not hasty in giving opinions, but when once given they are, almost without exception, sustained. His service on the Bench marked an era in the administration of law in southern Ohio. He was quick, absolutely fair and impartial. In all of his business relations, as a lawyer and a citizen, his life is without stain. His whole active career has been open and frank, and while he has made some enemies, yet there is not one of them who would not be glad to procure his opinion and act upon it in all matters of vital importance. Had he so desired he could have been employed upon one side or the other of every contested case in this county, but he has in a great measure selected his business. He is a writer of ability, and many of his productions have been published. He is preparing a book on Pleading and Practice."

A prominent judge of southern Ohio has furnished this estimate:

"Judge Hebard is one of the most careful, painstaking lawyers that I have ever met. He is a man of fine literary ability, an able lawyer, and a man of the highest integrity, which he carries into his practice and conduct as a lawyer. In later years he has declined much business that was offered to him. While on the Bench his opinions were prepared with great care, and were seldom reversed by the higher courts. He was able, very fair and honest as a judge. Both as judge and lawyer he exhibited the qualities which have endeared him to all who know him well. Thoroughness—going to the bottom of things—is an intellectual characteristic, and generally sound judgment is a habit of his life. He has in course of preparation a work treating mainly of pleading under the Ohio Code. The idea of the work is to simplify code pleading."

ANSELM T. HOLCOMB, Portsmouth. About the close of the last century General S. R. Holcomb and Colonel Phineas Matthews settled in the territory of Ohio and in Gallia county, where their families were reared and themselves lived to a ripe old age. John Ewing Holcomb, son, and Mary Matthews, daughter, were born, educated and married in Gallia county and remained residents of the county until after the war. They subsequently removed to Missouri and settled in Butler, Bates county, where they lived until their deaths. Anselm T. Holcomb is the son of J. E. and Mary Matthews Holcomb. He was born in the country near Vinton, Gallia county, November 19, 1846. He obtained the rudiments of his education in the district schools, and as a boy assisted his father by clerking in the store which he had opened in the village of Vinton. He was fitted for college in the excellent academies of Vinton and Ewington, small villages with large facilities for education. In 1863 he entered the Ohio University at Athens, pursued the regular course to its completion and was graduated in 1867. While a student in college he was also reading law under the instruction of Honorable W. Reed Golden. After his graduation he continued the study of law with General A. T. Holcomb. Before

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engaging in practice, he spent some time in teaching, at Vinton and Rodney, Ohio, and in the neighborhood of Moorefield, Kentucky. After that he located in Butler, Missouri, whither his parents had removed, and was admitted to the Bar of Bates county in 1870. Well qualified by reading, study and experience in taking care of himself, he soon afterwards entered upon the practice of his profession and formed a partnership with Honorable William Page. The character of practice in a Missouri county seat was of course general, embracing all kinds of cases in the way of civil business, and the defense or prosecution of persons accused of nearly every species of crime. Mr. Holcomb soon became a good all round lawyer. He was successful and had a profitable clientage. The partnership first mentioned was maintained until 1875 and after that he was associated with his brother, Phineas H. Holcomb, for three years. In 1878 he returned to Ohio and located at Portsmouth, where he became associated in partnership with Judge A. C. Thompson, an able lawyer, well acquainted in the community and well established in practice. This partnership relation was terminated by the election of Judge Thompson to the Common Pleas Bench in 1881. Judge Thompson resigned the judgeship in 1884, and the partnership was renewed and continued at Portsmouth and Ironton till 1886. Since that time Mr. Holcomb has continued the practice alone, and as senior partner of Holcomb & Dawson, and has secured for himself an honorable place at the Bar of southern Ohio and a reputation equally valuable as a citizen and capable business man. He has given much attention to real estate law, and has the qualifications of an expert on the question of titles. He is the attorney of several of the largest corporations in southern Ohio. While in Missouri he compiled a set of books containing the complete abstract of title to all of the tracts of land and town lots situated in Bates county. In politics he is a Republican. In 1876 he was one of the delegates from his congressional district in Missouri to the National Republican Convention held at Cincinnati. In 1891 he was elected a member of the Ohio legislature and served in that body with ability as a member of the judiciary committee and that upon municipalities. He has large capacity for business, as well as law; is interested in the mining and marketing of coal in Missouri. After locating in Portsmouth, he was one of the incorporators and original stockholders in the Portsmouth Fire Brick Company, and in the Portsmouth Wagon Stock Company. He is one of the owners of the coal shaft of Theo Finhart & Company, at Wellston, in Jackson county; the Excelsior Shoe Company and the Portsmouth Veneer Company. He is a member of the Masonic fraternity, Blue Lodge, Royal Arch Chapter and Commandery. At one time he was High Priest of Miami Chapter in Butler, Missouri. Mr. Holcomb was married October 14, 1876, to Grace L. Breare, of Gallia county. The union has been blessed with two sons, Anselm T., Jr., and Robinson Breare. He was appointed assignee of the Citizens' Savings Bank and administrator of the Davis estate, because of his acknowledged business capacity for the management of large interests, whether his own or those of other persons. He is thus characterized as a lawyer by one of the able judges of southern Ohio:

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Lamb M. Hunter

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Newark, an office he held for five years by successive re-elections. In 1871 he was elected prosecuting attorney of Licking county, serving in this position for two terms, from 1872 to 1876. In the fall of the latter year he was elected to the Common Pleas Bench, in the first subdivision of the Sixth Judicial District. He was re-elected in 1881, retiring from the Bench in 1866, after a service of ten years. He then resumed the practice of law. In 1894 he was the nominee on the Democratic ticket for one of the judges of the Circuit Court, Fifth Judicial District, but was defeated with his party. As a lawyer Judge Hunter ranks as one of the ablest and most successful at the Licking county Bar. He has a tremendous capacity for work, and spares no pains in the preparation of his cases. His honesty and integrity are undisputed, and he is relied upon as being a safe and conservative counsellor. There are but few men in the profession anywhere who have more of the public confidence than has Judge Hunter. Said one of the best known lawyers at the Newark Bar:

"Judge Hunter has made a very creditable record in his chosen profession. He has risen from the bottom to the front rank of practicing attorneys at this Bar, by his own ability, perseverance and industry. As a lawyer he gained the reputation early in his career of being earnest, fearless and independent—characteristics that have grown with his growth and strengthened with his strength. He proved himself well fitted for the Bench by ten years of successful work. He made a very satisfactory judge. He has read law understandingly, and his judgment was almost unerring. Another feature of his work on the Bench was the celerity with which he arrived at the pith of any question. He avoided all circumlocution, and came straight to the point in a direct and concise manner that left his meaning clear both to the jury and to the members of the Bar. He is of quiet disposition, unassuming in his manners, plain and direct in his speech. He is well qualified for the Bench; his reserved manner, quiet bearing and logical mind gave him a peculiar and natural adaptability for the position. He has the esteem of his professional brethren and the respect of the entire community."

Judge Hunter is one of the public-spirited citizens of the city, and has taken an active interest in developing its industrial resources. He was instrumental in locating the Edward H. Everett Glass Manufacturing Company at Newark, in which he is a large stockholder, and at present first vice-president. He is also president of the Advocate Printing Company, publishers of the daily and weekly *Advocate*, the leading paper in Licking county, and a director in the Franklin bank, the oldest financial institution in the city. He is a member of the Masonic Order and a Knight Templar; also of the improved order of Red Men and of the Grand Army of the Republic. He was married in 1872 to Miss Ida Eunice Robbins, daughter of Willis and Helen Warner Robbins, of Newark. Mr. Robbins is the senior member of the banking firm of Robbins, Wing & Wingarner. Mr. and Mrs. Hunter have three daughters: Helen, Ethel and Louise, and one son, Robbins.

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NELSON WILEY EVANS, Portsmouth. The family of Evans has occupied so conspicuous a position in the history of the American colonies and the government of the United States, as to deserve some consideration. In order to the better understanding of this personal biography of a member of the family, it becomes important to sketch briefly the genealogy in chronological order. The first representative in America, or the founder of the American branch, so far as information has come to this biographer, was Hugh Evans, who was living in Pennsylvania about the middle of the eighteenth century. He was a patriot who loved the liberty regulated by just laws and the independence that belongs to local self-government. When the king of England became tyrannous in the exactions imposed upon the American colonies, he determined to enter the army and fight for the independence of the colonies. He was dissuaded from this purpose by his son, Edward, a boy of sixteen, who volunteered as a soldier himself and prevailed upon the father to remain at home and care for the family. This boy soldier fought in the battles of Germantown and Brandywine, and was near enough to hear the guns of Monmouth. After the treaty of peace had been signed, he crossed the Alleghanies in the full vigor and strength of his young manhood and became a pioneer resident of Mason county, Kentucky. He was married to Jemima Applegate and reared a family. He removed to Ohio in 1803, locating in Brown county. His second son, William Evans, born in 1787, became a soldier in the War of 1812 and was with the army of Hull at the time of his surrender in Detroit. He was twenty-five at the time of this disaster—hale, strong and unmarried. One of his messmates was Charles Kilpatrick, a young Virginian, who had become his closest friend through congenial comradeship in the peril and circumstance of war. This friend was the husband of Mary Patton, daughter of John Patton, a prominent land owner of Rockbridge county, Virginia. Kilpatrick died on the way home at Chillicothe, and it became the duty of William Evans to break the sad news to his widow. He performed the duty as a brave man, with loyal devotion to the memory of his dead friend and tender regard for the living widow. The mission was characterized by a gracious observance of the proprieties and a winning gentleness of demeanor. The tenderness of his diplomacy bespoke the warmth of his friendship; and at length he was able to assuage her grief with the consolation of his own love. In the fullness of time he became the widow's comforter and protector in the relation of husband. His son, Edward Patton Evans, was born May 31, 1814. He became a lawyer and a successful man, honored and esteemed by a large acquaintanceship. He married Amanda Jane King. Nelson W. Evans, the chief subject of this biography, was the son of Edward Patton and Amanda King Evans. He was born in Brown county, Ohio, June 4, 1842. Five years later the family removed to West Union, in Adams county. He attended the public schools in that town until the fall of 1860, and then became a student in the North Liberty Academy, where he was prepared for college. In January, 1861, he was admitted to the Freshman class of Miami University, where he remained until June, 1863. At that time the

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spirit of his fathers moved him to offer his services for the preservation of the Union. He enlisted in the 129th Ohio Volunteer Infantry and received a commission as first lieutenant. He was with the division of the Ninth Army Corps which captured Cumberland Gap within three months after his enlistment. He was in numerous battles and skirmishes of the Union forces against Longstreet in Tennessee. He resigned in January, 1864, and returned to the Miami University the following March. He was graduated with his class in June following, and afterwards, for a brief period, attended the Military Academy at Philadelphia. In September of the same year he re-entered the army as adjutant of the 173rd Ohio Volunteer Infantry. Two months later he was promoted to a captaincy and in the battle of Nashville he was adjutant of a brigade. His military service throughout was honorable to himself and in some instances so brilliant as to call for special commendation. After the war closed he attended the Cincinnati law school and pursued the course of study to graduation. He was admitted to the Bar at Cincinnati in April, 1866. In August of the same year he settled in Portsmouth, which has been his home for thirty years. During all of that period he has been engaged in the practice of law and has also held offices of trust, both in the line of his profession and those which are regarded political and educational. He has also held official relation to business and commercial enterprises of large importance. He served the city as solicitor from 1871 to 1875. From January 14, 1870, to September 1, 1878, he was register in bankruptcy for the Eleventh Congressional District. In 1882 he was elected a director of the Cincinnati and Eastern Railroad Company, and it was directly by his influence and vote as director that the railroad was extended to Portsmouth. In 1880 he was elected a member of the board of education for the city of Portsmouth and served until 1884. Three years later he was again elected and served until 1893, giving ten years of his time altogether to the interests of the schools and general cause of education. Captain Evans is a Republican in politics and takes pride in tracing his political inheritance back through the Whig party to the Federalists, of whom Washington was the chief. He is a communicant of the Episcopal Church and a vestryman of All Saints. Captain Evans has a good reputation as a lawyer and a man. He believes in the performance of duty whether in the smaller things of every-day life or the larger affairs appertaining to the public and the State. He maintains a character without reproach, and in his relations with others lives up to a high standard of manhood. He was married September 9, 1868, to Miss Lizzie Henderson, of Middletown, Ohio.

WEDEN O'NEAL, Cincinnati. The subject of this biography was born in Boone county, Kentucky, April 28, 1839. He sprang from a union of Scotch and Irish ancestors. His father, George O'Neal, was a Scotchman by descent, and the lineage of his mother, Sarah Sleet, was Irish. Both parents were natives of Kentucky. He was prepared for college, entered the Kentucky

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University at Lexington, and was graduated in 1859. From that time until the opening of the Rebellion he was engaged in teaching school in Boone county, and at the same time studied law. In April, 1863, he enlisted in the Union army and was mustered as colonel of the Fifty-fifth Kentucky Volunteer Cavalry; served with his command until the close of the war, when he was brevetted a brigadier general. Upon returning to the pursuits of civil life in 1865, Colonel O'Neal was admitted to the Bar and entered upon the practice of law in Covington, Kentucky. After remaining there twenty years, and building up a large business, he moved across the river to Cincinnati in 1885 and formed a law partnership with Charles H. Blackburn, which continued until 1892. Since that time he has carried on the practice alone. Colonel O'Neal was appointed United States Marshal for Kentucky by President Grant during his second term; he was nominated twice as the Republican candidate for Congress in the Sixth Kentucky District, and although defeated each time, he succeeded in reducing the Democratic majority more than three thousand. He was married September 5, 1862, with Miss Caroline, daughter of the late John W. Fenley, of Crittenden, Kentucky. Three children born of this marriage are John B., an attorney at law, admitted to the Bar in the Circuit Court at Covington, Kentucky, in 1888, unmarried; George, married to Fredericka, daughter of F. W. Moore, of Cincinnati; and Zue Lou. The family reside in Covington and are members of the Fifth Street Christian Church. The following is from Judge O'Hara, of Covington:

"I have known Colonel O'Neal from boyhood. After completing his education he engaged in the business of merchandising in an adjoining county. In this he was not successful, becoming involved beyond his ability to pay. It was then I became acquainted with him and succeeded in extricating him from his financial troubles. When the war came on, although he had begun the study of law, he abandoned it for the time and went into the army. He was a brave and gallant soldier, serving throughout the war, having attained the rank of colonel. While in the service his health was somewhat impaired, but upon his return home he took up the practice of the law and has been engaged in it ever since. For several years he has practiced in Cincinnati, and was for a time in partnership with Major Blackburn, a noted criminal lawyer. In fact, Colonel O'Neal has paid more attention to criminal law than to civil business; has been engaged in many important criminal cases and, in my judgment, stands in the front rank of criminal lawyers, at least in Cincinnati. He is now associated in partnership with his son, John O'Neal, a very promising young lawyer, whose practice is largely in the Federal and State courts of Kentucky, in defending violators of the revenue laws. He is quite efficient in that branch of practice. Colonel O'Neal is prominent in the councils of the Republican party of his State, has frequently been mentioned as a fit person to represent his district in Congress, and also for the office of governor of the State. He is prominently active in aiding applicants to obtain State and Federal patronage, and is as loyal to his friends as he is to his country. He stands well in the community and is highly esteemed. I should say that as a lawyer he is employed mostly in high grade criminal cases."

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ROLLIN C. HURD, Mount Vernon. Honorable Rollin C. Hurd was born at West Arlington, Vermont, September 12, 1815, and died at Mount Vernon, Ohio, February 12, 1874. He was the son of an intelligent farmer, Honorable Asahel Hurd, who was influential in the affairs of his neighborhood, and represented his town for two terms in the State legislature. He attended public school in early boyhood and performed his share of labor on the farm. At the age of twelve he was sent to a boarding school at Norwich, Connecticut. At sixteen he came to Ohio with Professor Herman Dyer, of Kenyon College, an old friend of the family, and was placed in the preparatory department of that institution After three years he was admitted to the Freshman class and pursued the regular course of the college for two years. About this time he formed relations which not only influenced his immediate plans, but also affected his entire subsequent life. Having come west in youth, unaccompanied by other members of his father's family, the formation of new ties and family relations naturally followed at an early period. He was fortunate in becoming acquainted with Miss Mary B. Norton, a most estimable young lady, daughter of Daniel S. Norton, a well known citizen of Mount Vernon. His marriage with Miss Norton was consummated in August, 1836, a month before he attained his majority, and instead of continuing his college course to graduation he entered upon the study of law at Mount Vernon in the office of Benjamin S. Brown, and made rapid progress. His mind had already been disciplined by study; his discernment was unusually keen and his power of concentration enabled him readily to grasp the fundamental principles of jurisprudence. He was, therefore, qualified for practice within a comparatively short period, and was admitted to the Bar April 1, 1837. He wisely remained in the office of his preceptor and enjoyed from the outset the advantage of a clientage. The death of Mr. Brown a year later left him the inheritor of a business which represented the accumulation of years. It was a rare opportunity for a young man who was courageous, self-reliant and ambitious. Young Hurd was equal to the occasion. At the age of twenty-two he was required to appear in the contests of the forum as the adversary of old and successful practitioners. It required ability, skill and study to maintain himself and satisfy the clients whose interests had providentially fallen into his keeping; but the necessity and the opportunity served to make him valiant and clothed him with a dignity far above his years. Circumstances not under his control first called him into the front rank; but his own abilities and acquirements, his acumen and persistent application, his character and method enabled him to maintain the position and advance himself to eminence in the profession. He possessed the elements which enter into the composition of an essentially legal mind, in due proportions and so mixed as to make a lawyer of the first class. He enjoyed the duties of professional life and devoted himself to them without reservation. After engaging in practice continuously some fifteen years he was elected judge of the Common Pleas, in 1852, and served a single term. His judicial duties were discharged with scrupulous exactness, consistent with a high sense of public duty, and with conscientious regard to the obligation

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imposed. He was elected as a Whig, and supported that party in his political allegiance. During the whole course of his life, however, he was a lawyer and not a politician. While on the Bench Judge Hurd began the preparation of a tretise on "Habeas Corpus," which was published within a few years after his resumption of practice. This work is recognized as standard on the subject treated and held in high regard by the profession, and has contributed to give durability to the fame of its author. Judge Hurd was cotemporary with Ranney and Thurman, and was frequently associated with them in cases of importance in the State and Federal courts. In January, 1863, he was admitted to practice in the Supreme Court of the United States. During the latter years of his life he gave much of his time, energy and influence, to an enterprise of vast importance to the community. It was chiefly through his exertions and public-spirited activity that the Cleveland, Mount Vernon and Columbus Railroad Company was organized, and the road constructed. As president of the company he exhibited remarkable administrative and executive ability, which had not been called into exercise, and possibly had not been suspected while practicing law or serving on the Bench. Gradually these new and semi-public duties drew him out of the channels in which his reputation had been created; but it may be claimed that instead of detracting from his reputation they added to his fame. He was a man of magnificent figure and commanding presence, scrupulously neat and modest in his attire, carefully observant of all the civilities of refined society, and scholarly and exact in all he said and wrote. The clearness and force with which he was able to formulate and state legal propositions as related to the case in hand was very remarkable. His family life was honorable and irreproachable. His son, the Honorable Frank H. Hurd, late of Toledo, became distinguished. Three of his children died in infancy. A fourth, Rollin Hurd, Jr., died in 1872. One daughter, now deceased, was the wife of John S. Delano. The only surviving member of the family is Mrs. Robert Clark, of Mount Vernon.

SILAS T. SUTPHEN, Defiance. Honorable Silas T. Sutphen, for more than seven years judge of the Court of Common Pleas, is one of the most prominent attorneys of northwestern Ohio. He is a native of the State, born on his father's farm in Fairfield county, August 28, 1838. After the death of his grandfather in New Jersey, the widow with her family, including Colonel R. D. Sutphen, the judge's father, then a mere lad, came to Ohio and settled in Liberty township, that county, in 1815. His mother, Sarah Zerkel, a native of Virginia, also came into the State with her parents in 1815 and settled in the same neighborhood, where they were among the earliest settlers. It was in the midst of a wilderness, occupied by wild beasts and wild Indians. The Zutphens emigrated from Holland and were among the very early settlers of New Amsterdam and New Jersey. The family is still largely represented in the two States — New York and New Jersey — but S has taken the place of the

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original initial Z. The Zerkel family emigrated from Germany and settled in Virginia not long before the birth of Sarah. Colonel R. D. Sutphen, who assisted in clearing his mother's farm, on which he resided for many years, became one of the prominent and successful farmers of the neighborhood. For several years he was colonel of a military company and was also a local leader. At the age of eighty-nine he is still living, and in vigorous health, at Carey, Wyandotte county. Silas Sutphen attended the public schools of his native township and spent four years in the Union School of Baltimore, Ohio. In 1859 he entered Heidelberg College at Tiffin, in which he took the scientific course, graduating in 1862 as a Bachelor of Science. He took up the study of law during his last year in college, under the tutorship of the late Judge James Pillars at Tiffin, and after leaving college continued his course of reading in the office of Judge Pillars for a year and was then admitted to the Bar. He located in Defiance to engage in the practice in 1863 and has pursued it continuously except during the period of his service on the Bench. He served as mayor of the city two consecutive terms, his first election being in 1864. He was elected prosecuting attorney of Defiance county in 1867 and was re-elected twice, serving for six years. Upon retiring from the prosecutor's office in January, 1874, he resumed the general practice and continued in it for ten years, when, in 1884, he was elected judge of the Court of Common Pleas for the Second Subdivision of the Third District, comprising Defiance, Paulding and Williams counties — for the residue of a term more than half of which had been filled by another. In 1886 he was elected for a full term, which expired in 1892. The only professional partnership ever formed by Judge Sutphen was with his brother, Charles M., now of Van Wert, which was entered into in 1880 and terminated in 1882. The period of thirty-five years covered by his residence in Defiance has been devoted exclusively to his profession; although he gave time and active support to the public enterprise aiding largely in securing the Baltimore and Ohio Railroad for his home city, assisting in locating the line from Tiffin to Defiance. He aided in organizing the Merchants' National Bank of Defiance and has been a member of its directory for many years. He inherited from his father a love for the democracy of Jefferson, Jackson and Calhoun, and has always been a working member of the Democratic party. Among the noteworthy cases with which Judge Sutphen has been connected as counsel, that of the State of Ohio vs. Joseph Wisemantle, indicted for murder in the first degree, was conspicuous. He appeared for the defendant and associated with himself in the case Honorable W. D. Hill. Wisemantle was charged with killing one Miller in the back room of a saloon and there was no other witness of the homicide. The aspect of the case was unfavorable and public sentiment against the defendant was much inflamed when the trial opened. The defense was "justifiable homicide," and counsel rested their case on defendant's testimony, supported by some circumstantial evidence which they industriously dug up and skillfully introduced. The jury was impressed with their view and found a verdict of "not guilty." Another case was the State vs. Jackson Wonderly (fifteen

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years old), indicted for shooting his father, Joseph Wonderly. Judge Sutphen and the same associate counsel defended. The prosecution was conducted by Judge Selwyn N. Owen, afterwards Chief Justice of the Supreme Court of Ohio, and Honorable A. M. Pratt, of Bryan, in association with the prosecuting attorney, both of whom were lawyers of very marked ability. The defense sought to justify the killing by showing that it was done by the boy in defending his mother against an assault then and there about to be committed on her by his father. His mother was locked in a room, the door to which his father was breaking open with a hatchet, when defendant came to her rescue with a gun; the father then turned upon him and defendant used the gun, believing both his mother and himself to be in imminent danger. The verdict was manslaughter and the penalty a term in the penitentiary. After serving his time young Wonderly returned to the neighborhood, and not finding things satisfactory, drove off a bunch of cattle to which he had no title, for which he was convicted of grand larceny. Judge Sutphen was then on the Bench and it became his duty to pass sentence on his former client. He defended the Lantz Brothers and the Clements Brothers, four charged in one indictment with the murder of a bully named Snyder, by assaulting, beating and kicking him. Counsel succeeded, by proving that Snyder had made threats of personal violence against his assailants and provoked the assault, thereby in reducing the crime to the grade of manslaughter, for which a verdict was rendered. As prosecuting attorney he secured the conviction and fifteen years in the penitentiary of a negro named Canter for killing by abuse and neglect a colored orphan girl who had a home in Canter's family. While Judge Sutphen has taken many important criminal cases as a general practitioner, his main practice is in civil and commercial business, which has long been large and well managed. He has the confidence of business men and the community at large. He was married in 1863 to Miss Sarah Huss, whose parents settled in Tiffin when it contained only three small houses. The Huss family, of German descent, first settled in Virginia and removed to Ohio at the beginning of the century. Judge and Mrs. Sutphen have two children, a daughter and a son. The daughter, Minnie G., an accomplished musician, has adopted voice culture as a profession. The son, Richard H., is a student in the classical course of the University of Michigan. Judge Selwyn N. Owen, of Columbus, contributes the following:

"Of Honorable Silas T. Sutphen it may be said that the profession of the law is his pride and pet. Few lawyers within the circle of the writer's acquaintance with the Bar of northwestern Ohio exhibit a more undivided devotion to the practice. Chiefly for this reason all clients are alike to him. He never had a case apparently so trifling, or involving so little, that his desire and determination to win it by all honorable means did not arise to the dignity of ambition. Early in his practice he learned to appreciate the fact (which every lawyer ought to realize) that an attorney may have a deserving case for a *case* but a somewhat 'tough case' for a *client*. He will deliver an uncompromising battle for a client's case when he would feel degraded and compromised to be seen talking with that same client on the street. It would not

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COOPER K. WATSON, Effie. [illegible] Bar and [illegible] excelled Cooper K. Watson. Mr. Watson [illegible] son county, on the 15th day of June, [illegible] In early life he was favored with few [illegible] facilities. From youth [illegible] support was apprenticed to a [illegible] to work at his trade, but [illegible] found the sphere to which he was [illegible] under a capable preceptor at Newark [illegible] to the Bar. For several years he [illegible] of prosecuting attorney. In [illegible] making it his permanent home [illegible] more engaged in his chosen [illegible] to which his abilities and [illegible] of his profession. His intellectual [illegible] his pleasing social traits [illegible] acquaintance [illegible] throughout Ohio, and his law practice [illegible]

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be true to say of him that it requires a surgical operation to work a joke into his head; but it would be true to say of him that he never finds any use for fun or levity in a law-suit, unless it is all on his side, or unless he feels very sure that he will be able to turn it to his client's account; and even in such a case he always prefers that the trial should be—what to him every law-suit is—a matter of serious concern to him and his client. He has been heard to say to his adversaries: 'Boys, if I can have the victory, you may have all the fun.' He has no superiors and few equals among his associates, as an advocate. His power and his success in that capacity may be easily ascribed to the fact that the practice of the law is to him a serious affair. If he possesses one quality which more than any other commends him to the writer's favor and admiration, it is that he never plans to secure the presence on a jury of a partisan or a biased friend. The writer has heard him say: 'I have had my best luck before jurors who were thoroughly impartial and who had nothing to think of but the cold merits of the case on trial.' This was not simply a theory with him, but a practical principle whose wisdom and usefulness he had tested by experience. He never forgets to be (what every lawyer ought to be) a gentleman. He never forgets his dignity, and while free from austerity and of easy approach, no adversary at the Bar and no judge on the Bench ever had good cause to complain of his neglect of any rule of gentlemanly deportment. To the writer he is better known as a practitioner than as a judge; but his unqualified success on the Bench may be easily attributed to the very qualities which characterize his conduct at the Bar. In his habits he is faultless; in his pecuniary affairs successful far above the average of the profession; in his business relations integrity and promptness are his guides; neat in dress, of pleasing address and attractive presence, Judge Sutphen is easily recognizable as one of the conspicuous figures of northwestern Ohio."

COOPER K. WATSON, Tiffin. Among the lawyers who practiced at the Bar and the judges who presided on the Bench of north central Ohio, none excelled Cooper K. Watson. Mr. Watson was a Kentuckian, born in Jefferson county, on the 18th day of June, 1810, but while yet a boy came to Ohio. In early life he was favored with few advantages and very limited educational facilities. From youth he was required to earn his living, and as a means of support was apprenticed to a merchant tailor. For a few years he continued to work at his trade, but arriving at an age of personal independence, he soon found the sphere to which he was best adapted. He began the study of law under a capable instructor at Newark, and soon qualified himself for admission to the Bar. For several years he practiced in Marion, where he held the office of prosecuting attorney. In 1850 he moved to Tiffin, with the prospect of making it his permanent home. And here he remained for twenty years or more engaged in his chosen profession, without challenge taking the position to which his abilities and experience gave him title—always in the front rank of his profession. His intellectual and moral integrity, his geniality of temper, his pleasing social traits secured confidence and friendship everywhere. His acquaintance was large among the best and highest members of the profession throughout Ohio, and his law practice extended through many of the counties

of the State. He could stand among the giants and hold his own with the best of them in the sharp gladiatorial combats which the forum invites. In the shrewder contests at the trial table he was equally at home, and the hapless witness who sought to conceal or pervert the truth became an object of commiseration under the merciless fire of his cross-examination. He appeared to have an intuitive perception of the motives and passions that move men, and his penetration was keen enough to pierce any disguise of sham or hypocrisy. He had no patience with pedantry and was never more manifestly in his element than when engaged in the cross-examination of an expert witness. It was his custom to inform himself thoroughly for such occasions, and the physician called to give expert testimony must be fortified with learning and wisdom and composure if he maintained his position and reputation under the inquisition of so skillful and exasperating a questioner. And yet in the practice of law he was, under all circumstances, strictly and unswervingly honest. He was actuated by lofty motives, and his methods were such as are known to those only who occupy a high place. Mr. Watson was elected to Congress in 1854, as a Free-soiler, and was one of the earliest and foremost advocates of liberty, and the most uncompromising adversaries of the slave power in the House of Representatives. In 1876 he was appointed judge of the Court of Common Pleas by Governor R. B. Hayes and was afterward elected for a full term, and died while serving on the bench. During these years he was a resident of Sandusky City. As a man he had the companionship and esteem, the admiration and reverence of men highest in the councils and judiciary of the State. He enjoyed the affection of an inner circle to which the geniality of his temperament and brilliancy of his conversation gave him a warm welcome. In 1830 he was married to Miss Caroline S. Durkee of Zanesville, who survived him. Four children are still living—Mrs. Ellen Loomis and Mrs. Nettie Gilbert of Tiffin, Mrs. Caroline Williard of Monroe, Michigan, and Charles B. Watson. One of his grandsons, John Cooper Loomis of Tiffin, Ohio, has chosen the legal profession for his life work, and is rapidly preparing for admission to the Bar. Honorable Warren P. Noble, of Tiffin, on request of the editor, has furnished the following characterization:

"No one here was better acquainted with Cooper K. Watson during the zenith of his manhood than the writer of this notice, who was intimately associated with him in the practice of the profession, as well as social life, for many years. In describing Mr. Watson I would say that, physically, he was a fine specimen of manhood: tall, erect, and of dignified and graceful presence. His social qualities were of a high order: a good, strong thinker, easy and vigorous talker, well versed on all ordinary topics of the day, he was sure on almost all occasions in assemblies to have gathered around him quite a coterie of interested listeners. As a *nisi prius* lawyer he was indeed strong and formidable. His statement of his case was always so clear, so full and so forcible, that there could be no difficulty in making the court and the jury clearly understand just what they were about to try, how it was going to be tried, and what evidence he expected to rely upon to sustain the issue on his side of the case. His examination of witnesses was always clear and direct. And whilst he never, or I will say seldom omitted anything that should be asked, yet as a rule he knew

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when and where to stop so as not to open the door to evidence that was impertinent, or that properly belonged to the other side of the case. His cross examinations were always searching, full, and to a witness who sought to tell more than he knew, or through prejudice, or bias, sought to give his testimony any coloring over and above the mere statement of the facts, they were oftentimes fearfully severe. His arguments, whether upon the law or the facts, were clear, logical, forcible and convincing, so that he was powerful before a jury; and courts and lawyers, though disagreeing with his conclusions, were oftentimes compelled to admit that his arguments were the best that could be made upon the subject under discussion. Withal, he was one of the most kind, courteous and generous practitioners I have ever been in the habit of meeting in the rough and tumble of the practice. His criticisms of his opponents in the heat of debate and the contest of a trial, no matter what the provocation might be, were always characterized by generosity, kindness and courtesy. To show how careful he was in this behalf, I will state that I once knew him to write a brief in a case pending in the Supreme Court in answer to one written on the other side, which he thought demanded or justified some severity of criticism; and after his brief was printed and ready to submit to the court, on reading it over again he decided that he had overstepped his rule of courtesy, and thereupon he destroyed the whole edition and procured the writing of a new edition, leaving out the offensive matter. So that his opponent in that case never knew of the criticisms made upon him. These traits of courtesy and kindness, in my opinion, contributed greatly to his strength of character. In short, I consider that Cooper K. Watson, in the strength of his professional career, was one of the brightest lights of the Ohio Bar."

Another member of the Tiffin Bar says:

"In physique Judge Watson was a man of magnificent development; tall, broad shouldered, straight as an arrow, peculiarly graceful in every gesture, with a head worthy of a Webster, and with one of the most sonorous voices ever heard in our court room. He was a man of broad culture, of great literary attainments; a man of the finest insight into character, a social man, a man of good comradeship; a friend who never betrayed, a foe who struck not in the back, but who polished his steel in the face of the enemy. As a lawyer he had but few peers in all the broad land. In his practice at the Bar he was a logical reasoner of the law, wonderful in his ability to array facts, expert in examination of witnesses; a persuasive arguer to the jury. On the Bench he knew not friend or foe, but with a mind clear as crystal, never misled by fine spun theories of an astute lawyer, he could bring his great knowledge of the law to bear upon the clean cut facts as he saw them, and in few words render his decisions—decisions seldom reversed. Either as advocate or judge, he was always kind and courteous, and only when human patience could endure no more would his manner change from his habitual friendly courtesy to that of severity. Then woe to the unfortunate one who had invoked the bitter sarcasms and fierce invectives which were hurled from the lips of this man in the defense of truth and justice. There have been few lawyers such as Cooper K. Watson, and well could he have filled a place on the Supreme Bench of the United States. Even as early as 1849, and from that date, Cooper K. Watson was a warm friend of such men as Salmon P. Chase. So highly was he esteemed for his great mental strength, his judgment on all questions pertaining to the Nation's good, his unswerving fidelity to his political principles, his loyalty to his country, that in the hour of her greatest trial he was called to Washington by Secretary Chase, there to confer with President Lincoln and his cabinet on subjects of the greatest national importance. Such a man was

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James M. Brown

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was the chief stockholder. While bad business methods were pursued by the defendant, the superior management of the defense created the impression of good intent on the part of the defendant, and throughout the case there was a failure to show that he had profited a cent from the misfortunes, or mistakes, which had wrecked the bank. There had, apparently, been irregular conduct on the part of the cashier and other officers of the management, with the hope of maintaining the credit of the bank, so as to enable it to weather the storm, but there the line was drawn, and on this position the defense massed its strength, and with consummate generalship warded off every charge of criminal intent. Some idea may be formed of the stubbornness with which the case was fought to a finish when it is stated that the argument of Mr. Brown and the United States district attorney before the jury each occupied thirteen hours. Altogether, the victory achieved in securing the acquittal of his client, by Mr. Brown, was a most notable one."

Mr. Brown is a Republican in politics, and ever since his childhood has been faithful to the principles, and loyal to the organization of his party. He was chairman of the Lucas county Republican central committee for many years, and of the Republican county executive committee during the successive Presidential campaigns of Garfield, Blaine and Harrison. His organizations were always marked with great vigor and efficiency, and followed with unqualified success. For six years he served as a member of the board of elections of the city of Toledo. In 1890 Mr. Brown was appointed postmaster at Toledo by President Harrison, and for more than four years conducted the affairs of his office to the high approval of the department, and the entire satisfaction of his patrons. During his service as postmaster, he was frequently called to Washington to attend conferences involving the improvement of the service; at the request of the postmaster-general, he drafted and presented to the Congressional committees having special charge of postal matters, bills for the establishment of postal savings banks, and the utilization of the telegraph and telephone for postal purposes, and contributed many articles to the public journals in support of these measures. During his term of office he was given leave of absence for three months, for the purpose of making, for the benefit of the postal department, a critical examination of modern methods for the rapid transit of mails, adopted by the post office departments of England, France and Germany. Mr. Brown has given much of his life to charitable work. In 1880, at the organization of the Toledo Humane Society, he was elected its president, and has been annually elected to that office ever since. Under his administration, the society has acquired its present extended influence. He was at its head in the winter of 1893-4, when it furnished daily relief to more than seven thousand suffering people, and also in the year 1896, when the society's wood yard was established, during the first winter's experience of which, more than fifteen hundred transient poor men, without means, were enabled to earn comfortable lodgings, baths and meals. In 1889 he drafted and presented to the legislature a measure subsequently made a law of Ohio, which, it is believed, was the first statutory recognition ever made on the part of the State, of the right of children of criminals to participate in the earnings of their parents, while undergoing criminal punishment. Before the

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World's Humane Congress, held during the World's Fair at the city of Chicago in 1893, Mr. Brown delivered an address upon the subject of the duty of the State toward the families of its criminal classes, in which he maintained that all criminals should be compelled to work, and that a fair proportion of their earnings should, by the State, be paid over to their families for their education and support, thus protecting them from needless shame, pauperism and crime, which address attracted the attention of students of penal reform throughout the world. In 1890 he drafted and presented to the legislature a bill, subsequently enacted into law, "to prevent abandonment and pauperism," which measure compels parents who abandon their children, either to go to prison, or to enter into bonds in the sum of one thousand dollars for their support. This law has proved of great benefit to abandoned children throughout the State; under its provisions the Humane Society of the city of Cincinnati alone receives more than thirteen thousand dollars annually, for the support of such children. At a meeting of the American Humane Association held at Cleveland, Ohio, in September, 1896, Mr. Brown delivered an address upon the subject of "Unwanted Children," and the heartless destruction of infant life, which together with an act drafted by him for the purpose of arresting that great evil, was by the association adopted, published and distributed to charitable societies and legislative committees throughout the United States and Canada, with the request that the suggestions of the address be enacted into law. Mr. Brown is now vice-president, and a member of the executive committee of the American Humane Association. He is, and for more than twenty-five years has been a member of the First Congregational Church of the city of Toledo.

JOHN C. LEE, Toledo. Colonel John C. Lee, deceased, was born January 7, 1828, in Brown's township, Delaware county, Ohio. His ancestors on both sides were from the North of Ireland. His parents, Hugh Lee and Mary A. Lee, were natives of Virginia, and came to Ohio soon after their marriage, settling in Delaware county. The mother died in 1836, and the familly removed to the town of Delaware in 1838, where they remained until 1844, when they went to Union county, and thence in 1857, to the West, where the father pursued farming until his death in Missouri in 1859, at the age of sixty-one years. The educational privileges of the son began in a rude log school house, and were limited to that until the removol of the family to Delaware, Ohio, when the way was opened for his preparation for Central College, Franklin county, where he was for one year, when he went to Western Reserve College at Hudson, Ohio, in 1845, and was graduated in 1848. For two years he taught in academies—one at Atwater, Portage county, and one at Tiffin. Selecting law for his profession, he entered the office of R. G. Pennington, of Tiffin, in 1850, and pursued his reading until July, 1852, when he was admitted to the Bar and became a partner of his tutor, whom he soon succeeded in the practice. Two years later N. L. Brewer began the reading of law with Mr. Lee, and upon

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admission to the Bar became a partner. In 1857 Mr. Lee was the Republican candidate for judge of the Common Pleas Court, with George E. Seney, Democrat, as the successful candidate. Upon the outbreak of the Rebellion in April, 1861, Mr. Lee surrendered his professional business to enter the military service of the government, enlisting in the Fifty-fifth Ohio Volunteer Infantry, of which he was at once made the major, and was promoted to its colonelcy before reaching the field. In January, 1862, he reported his command to General Rosecrans in West Virginia. At Moorefield the regiment first met the enemy, who were defeated and the town taken. After spending the month of March as a member of a court martial at Charleston, Colonel Lee rejoined the regiment at Romney. By order of General R. C. Schenck he was given command of the district of the South Potomac and in May, 1862, under that officer, marched for the relief of General Milroy, at McDowell, took part in the Shenandoah campaign, and was in the battles of Freeman's Ford, White Sulphur Springs, New Baltimore, New Market, Thoroughfare Gap, Gainesville, Chantilly, the Second Bull Run, and others, in which he bore parts which challenged the approval of his superior officers. At Chancellorsville, in 1863, Colonel Lee commanded a brigade consisting of the Twenty-fifth, Fifty-fifth, Seventy-fifth and One Hundred and Seventh Ohio Regiments, which did noble service there, while the commander's prominence was indicated by his horse being shot under him. In May, 1863, in consequence of the death of a child and the serious illness of Mrs. Lee, the colonel was forced to leave the field, and his resignation was accepted May 18, 1863. During the ensuing political campaign in Ohio, Colonel Lee took an active part in support of John Brough and against C. L. Vallandigham, candidates for governor of Ohio. The condition of his family warranting his absence from home in the spring of 1864, he accepted the command of the One Hundred and Sixty-fourth Regiment, Ohio Volunteer Infantry, which was assigned for service chiefly about the fortifications of Washington City, where it remained with more or less activity until the aggressive movements of General Grant about Richmond compelled the abandonment of the Rebel movement against the capital. During May, June and July, of 1864, he was in command of all troops from Long Bridge to Chain Bridge in the defenses of Washington. His military service throughout was marked by a degree of intelligence, earnestness, devotion and consideration for his command, which from the first challenged the admiration and confidence of superiors and subordinates. In good conduct and discipline, his command evidenced the thoughtful care which alone could have secured to them such distinction. The reports of the Second Bull Run made special mention of Colonel Lee's efficiency in command. His regiment had been sent to an advanced position of special peril, and during the fight a rebel force made a flank movement, forming a line at right angles with the Union lines, making necessary a change of front by Colonel Lee, whose command was already largely disorganized by being compelled to fall back to the main line from the advanced position to which he had been assigned. Regardless of company organization, which was lost, and under the raking

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tutelage of his father, who had served on the Bench and was then engaged in practice. At the age of twenty-one he was admitted to the Bar and at once entered upon a brilliant career, which was terminated by his death July 10, 1896. One year after his admission to the Bar he was elected prosecuting attorney of Knox county. Three years later he was elected State senator, and in 1868, while yet under twenty-seven years of age, was appointed to codify the criminal laws of Ohio. In the execution of this commission he displayed rare talents, as indeed he did in every undertaking. The following year (1869) he removed to the city of Toledo. He had already outgrown his environment, and the thrifty, prosperous city on the lake shore and the border of the State presented a theater more adequate for the effective employment of abilities such as he possessed. He formed a partnership with Charles H. Scribner, and several years later Harvey Scribner was received into the firm, which was recognized as one of the strongest and most successful in northwestern Ohio. This association was first broken by the withdrawal of Judge Charles H. Scribner upon his election to the Bench, and Mr. Hurd continued his relations with Harvey Scribner until January 1, 1894, when he formed a partnership with O. S. Brumback and Charles S. Thatcher, which was maintained to the end of his life. Although Mr. Hurd was a great lawyer, and well known to the profession as such, his popular fame rests upon his political prominence and public service. It is a singular truth that a lawyer may possess genius and learning, keen insight and profound knowledge of the law, and may wear his life out in private practice in the courts while he remains in comparative obscurity. The contests of the forum are so quiet and its triumphs so little heralded. But when the real lawyer, with his superb equipment of learning and oratory, conscience and convictions, courage and sympathy, enters the political arena his measure is taken by his countrymen, and contemporaneous history records the estimate. All are interested in the politician's career or the statesman's achievements; few care to know the issue of a judicial proceeding. Frank Hurd was a noteworthy example of the lawyer in politics. He was little more than thirty when (1872) he was nominated as the Democratic candidate for Representative in Congress and made a creditable canvass of the district against his competitor, General Isaac R. Sherwood. He was defeated but famous when the campaign ended. Two years later he was nominated and made a successful race against the late Governor James M. Ashley, the Republican candidate. By this election he became a member of the Forty-fourth Congress. In 1876 he was the candidate of his party for re-election, but was defeated by Governor Jacob D. Cox. In 1878 he was elected, but in 1880 he was defeated by Honorable J. M. Ritchie. In 1882 he was elected over Charles M. King, and in 1884 he was defeated by Honorable Jacob Romeiss, of Toledo, a railroad man, in whose behalf all the protective tariff and labor influences were exerted as far as possible. The election of Mr. Romeiss was unsuccessfully contested in the House of Representatives. Mr. Hurd was again nominated by his party and made his last congressional canvass before the people of the district in 1886,

but failed of election. This record probably has no parallel in the history of State politics. Mr. Hurd was nominated for eight successive terms and elected for three alternate terms—the Forty-fourth, Forty-sixth and Forty-eighth Congresses. He was a frank, earnest, outspoken free trader; at least he was always and under all circumstances an avowed opponent of protective tariff and the earnest, eloquent advocate of free trade. He was the great leader on the stump and in Congress in the battle for tariff reform. Years before President Cleveland gave conspicuity to that issue by making it the topic of his third annual message to the Congress, Frank Hurd had rung all the changes on it, both in Ohio and Washington. His convictions were deep and he was always courageous in their expression. He was never in any sense a trimmer. His sails were never set to catch popular breezes. He stood for principle, whether with the majority or the minority. He was always of the people and for the people, and the advocate of right and justice in accordance with the promptings of his conscience and moral sense. As to any question of administration or public policy, whatever his heart believed and his conscience approved his lips advocated. He waited on the leadership of no man, and accepted without challenge the dictum of no party. He was himself a leader of men, an expounder of principles. He displayed the rare moral courage which finds full recompense for the failure to achieve an ambition in the consciousness of being right. Twenty years ago his transcendent abilities as a lawyer were recognized by Mr. Tilden in the offer of the attorney general's portfolio, contingent upon a favorable decision of the electoral commission. Frank Hurd was a broad gauge man. He lived above petty annoyances and contentions. He had capacity for large affairs. His connection with the most important controversies in the courts of the State evidence his standing in the profession. His espousal of the cause of the poor without fees evidences his humanity. A Roman Catholic in his own religious views, he was tolerant of the views of all men and the creeds of all churches. Some of the men who knew him best bear testimony to his noble qualities and characteristics. Mr. O. S. Brumback, his law partner, says:

"Of all the lawyers I have ever heard in court Mr. Hurd possessed the greatest ability to discriminate. Coupled with his unusual powers of logic and oratory he was, in my judgment, a lawyer without a peer. His abilities and statesmanship comprised the least part of his great nature. He was also a true philanthropist. His liberal and generous nature was only equalled by his love for his friends. A person in distress never appealed to him in vain, and he never was false to a friend. His wonderful magnetism of manner and presence was irresistible to those whose contact with him was frequent. To know him was to love him. Ever unmindful of himself and ever ready to champion the oppressed, he lavished his great ability and income in the cause of the just."

Mr. A. W. Eckert: "Mr. Hurd was certainly a great man who never realized his own greatness. He was one of the most genial, modest and sympathetic men I ever knew; a man whose heart seemed to be overflowing with kindness and generosity toward his fellow men. In the course of my experience at the Bar, I have met him a number of times as an opponent and also as

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an associate counsel. As an opponent I always found him fair and honest—never given to any underhanded practices. As an associate counsel he never made any one feel that he was in any way superior. He would listen with interest to any suggestion one had to offer, and never did he in an arrogant or overwise manner point out one's failings or mistakes. I never knew him even in the time when the most bitter attacks were being made upon him in the campaign to make one insulting reply or utter a word that was unfit for any one to hear. Hs was learned and eloquent, and by instinct a gentleman."

The Bee (Editorial): "His individuality was of that peculiar magnetic personal quality which drew to him the respect, admiration and love of his fellows. And it was the same to-day, to-morrow, always. Frank, sincere, honest, with his daily life an open page that all might read, and upon which was recorded only deeds of love for home and country; what wonder that the people were his friends and gave him in return fealty and devotion that few men enjoy, few inspire!"

An intimate lawyer friend says: "Probably there are less reminiscences of Mr. Hurd of a conversational character than of any other public man. He was not a story teller, and while perhaps one of the most brilliant speakers before judge and jury that Ohio has ever known, he accepted the adage that 'silence is golden.' He would listen to his friends and acquaintances a whole evening without saying anything himself. And he always impressed you as a good listener on any subject."

Another, who had watched him in the trial of a hundred cases in court, says: "He had a most peculiar mind. He would have little to do with details. I never saw him personally question a witness. He usually sat back from the table, perhaps among the spectators, listening quietly, but when his argument was made not a thread of the evidence was lost. And he carried not only the audience, but usually the judge and jury also."

Of the many testimonials wired at the time of his death only two are quoted:

Grover Cleveland: "I have just learned with sincere regret of the death of Frank Hurd. I had great admiration for his practical courage and sagacity, and I regard his death a severe loss, not only to the country, but to the party to which he belonged, since such bravery as he at all times exhibited must tend to advance the welfare of both."

William McKinley: "I am deeply pained to learn of the death of Honorable Frank Hurd. He was a brave, able, honest man, always having the courage of his convictions. A manly adversary and a steadfast friend. My service with him in the National House of Representatives attached me greatly to him, and there I came to know and appreciate the great qualities which distinguished him and for which he will be remembered. I deeply mourn his death and share in the sorrow felt by the people of Toledo and the State over the death of the great citizen, statesman and orator."

Mr. M. P. Murphy in *Sunday Bee:* "It is not because Frank H. Hurd was a great lawyer that his death is universally mourned all over this great land; it is not because he was a great statesman; it is not because he was a great scholar; it is not because he was a Democrat; it is not because he was a Catholic or a Protestant or a Mohammedan; it is not because of anything that he achieved for himself. It is because he was a great man, in the highest and truest sense of the word; because the cause of humanity meant more to him than the fulfillment of any selfish ambition; because, in all things, the troubles of his neighbor were of greater moment to him than his own affairs; because at all times he counted himself as nothing, when the cause of humanity

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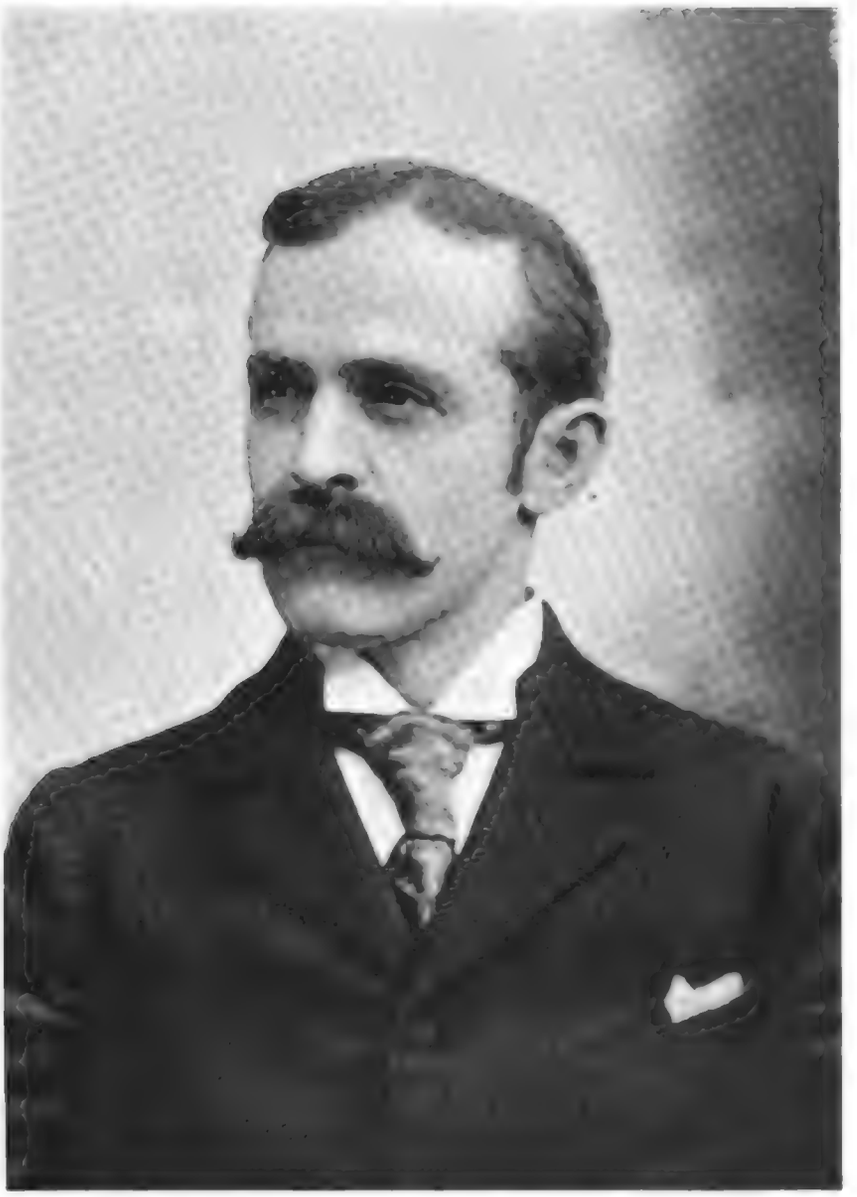

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that time to the present. The first partnership which he formed was the most important and enduring. It was consummated August 26, 1881, when he led to the hymeneal altar Miss Jennie Carey, daughter of Simeon B. Carey, a wholesale dealer in hardware at Indianapolis. This union has been blessed with two daughters—Blanche Carey, age eleven, and Lydia Ellen, age seven. January 1, 1894, he formed a partnership with Honorable Frank Hurd and Charles A. Thatcher, which was dissolved by the death of Mr. Hurd in 1896. Messrs. Brumback & Thatcher have continued in the partnership relation since Mr. Hurd's death under the old firm name of Hurd, Brumback & Thatcher largely as a token of their esteem for their old associate. Mr. Brumback has been retained in much of the most important litigation that has been entered on the docket of the Toledo courts since his connection with the Bar. Perhaps the most important in its effect upon his own future was one entrusted to him very early in his practice, and tried in the United States Circuit Court. The Van Wert National Bank brought suit against the United States Express Company for the recovery of ten thousand dollars received for delivery to the bank by the company and lost in transmission. Mr. Brumback was employed by the plaintiff, and the express company claimed the money was stolen from the package before it received it. The attorney for the express company, boldly argued to the jury that it was impossible for the money to have been extracted from the package while in the hands of the express company, since the seals remained intact and unbroken. But Mr. Brumback effectually answered that argument and won the case by deftly removing the seals and replacing them uninjured upon a like package. The ability displayed by the young attorney in the marshalling of evidence and the presentation of the case arrested the attention of the Bar and the public, and established his reputation as a remarkably keen, alert and resourceful lawyer for one of his years. That was practically the beginning. The case, which was of prime importance then, is remembered now merely as an incident, having been overshadowed by many cases of greater consequence tried since that time. Some of these deserve mention in this connection as examples: Toledo Electric Street Ry. Co. vs. Toledo Consolidated Street Ry. Co.; The Merchants' Cotton Press and Storage Co. vs. The Central Manufacturers' Insurance; Hunter vs. Lake Shore and Michigan Southern R. R. Co.; Terry vs. Same; Aller vs. The Cincinnati, Hamilton & Dayton R. R. Co.; Vany vs. R. B. F. Peirce, Receiver of the T. St. L. & K. C. R. R.; Van Dusen vs. Same; Benson Bidwell vs. the Toledo Consolidated St. Ry. Co., involving the right to use the electric street railway trolley; Pearce vs. Wellington R. Burt, Receiver of the Toledo & A. A. Ry. Co.; Heeter vs. Wabash Ry. Co.; William H. Simmons vs. Toledo Electric Street Ry. Co.; Swan vs. Mansfield, Coldwater and Lake Michigan R. R. Co., involving half a million dollars, still pending. The litigation between The Toledo Electric Street Ry. Co. and The Toledo Consolidated Street Ry. Co., in which Mr. Brumback represented the former company, comprised from twenty to twenty-five separate cases, brought one after another, and altogether constituted the most remarkable array of

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cases between rival railway companies ever tried in this country. The litigation extended over a period of seven years, and has only recently been settled by a consolidation of the companies engaged in the controversy. Mr. Brumback now makes a specialty of actions for personal injury, and has pending probably a hundred such cases in the several courts. He gave considerable attention to politics during the earlier years of his practice, and was elected to the Ohio legislature in 1885 as a Republican candidate. Realizing that office-holding was not conducive to the highest professional success, and having a decided preference for the law, he declined a renomination, and has never since been a candidate or sought an office. His first and only political campaign attracted attention throughout the State. He made a great fight and was alone elected on his ticket, although handicapped by the opposition of the *Toledo Blade*, the Republican newspaper controlled by D. R. Locke (Nasby), because he would not pledge himself in advance as to his course on certain public questions. As John Sherman was returned to the United States Senate through his success, the Republicans having only one majority in the legislature on joint ballot, he received, as he deserved, the congratulations of prominent leaders of his party in all parts of the country. When the Standard Oil Company opened its batteries on Toledo, Mr. Brumback was one who stood for the people against the disastrous influence and consuming greed of monopoly. He may always be relied upon as the champion and defender of popular rights, as well as of the lowly and oppressed, whenever and by whomsoever they are assailed. Orville S. Brumback has a high standing among his brethren of the Bar, and his popularity in the community is general. In social intercourse he is frank and genial. His manner is unobtrusive and marked by a gentle courtesy, without any display of that "rich varnish of graciousness and favor" peculiar to the patronizing. He never swerves from his purpose to secure popular applause. He is a ripe scholar and a pleasing public speaker, having a copious and versatile vocabulary for the construction of a logical argument or the polishing of a rhetorical period. Perfectly conversant with current events and thoroughly alive to the importance of public affairs, his character is without reproach and his integrity unimpeachable. He is a member of the Sigma Chi college fraternity, and is a Mason and Presbyterian.

RUFUS H. BAKER, Toledo. The subject of this sketch is the son of the late William Baker, whose biography is published in this volume. He was born in Toledo, September 25, 1858, of parents who were both natives of Ohio. His parental lineage is English and his first American ancestor settled in Massachusetts about the middle of the seventeenth century. His grandfather, known generally as Judge Baker, became a pioneer settler of Norwalk, Ohio, in 1817, and occupied the Bench of the Court of Common Pleas as an associate judge for several years under the first Constitution. Rufus was educated in the public schools of Toledo and in Williston Seminary, Easthampton, Massa-

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chusetts; entered the Law School of Columbia College in New York City and was graduated with the class of 1879. He was admitted to the Bar in the fall of the same year and first engaged in practice with his father, by whom he was received into partnership a few months later, viz., in January, 1880. Throughout the course of his reading he had given special attention to real estate law, and both in his primary studies and his early practice adhered closely to the lines laid out by his father. During the second year of partnership with his father Barton Smith was admitted into the firm, which thereby became Baker, Smith & Baker, and so remained until the death of the senior partner in 1894. Since that time the firm of Smith & Baker has continued in the general practice. Mr. Baker's close application and careful study gave him a critical knowledge of the law, and he has a reputation for close reasoning and discriminating knowledge of its technicalities. His pleadings are drawn with exceptional nicety, leaving nothing to be added essential to their clearness, and containing nothing which could be eliminated without impairing their strength. He is the financial correspondent in Toledo of the Connecticut Mutual Life Insurance Company, and his accurate knowledge of titles and sound judgment qualify him admirably for the duties of such a position. He was educated to the work, as he only succeeded to the position his father had held for many years. He is skilled in all matters appertaining to loans as well as realty titles, and is very accurate in the knowledge and practice of commercial law. He is methodical and systematic and his papers are both neat and strong. He is a man of strictest integrity. His word is accepted without question or doubt. His high character is sustained by an irreproachable life. He is a cautious and discreet man, safe and reliable as a counsellor. He does not reach a conclusion hastily or state it rashly; but proceeds carefully and makes a conservative statement. During most of his life Mr. Baker has been connected with the Baptists and now has membership in the First Baptist Church of Toledo. He was married January 16, 1883, to Miss May W. Howard, and has three children—Bessie, aged twelve; Pauline, ten; and Herbert H., eight years.

WILLIAM HENRY HARRIS, Toledo. William H. Harris is of English and Holland extraction. His paternal ancestors lived for many generations in England, and the American branch of the family was founded while the colonies were still young. His mother belonged to a Pennsylvania Dutch family. Both his parents and himself are natives of Muskingum county, Ohio. He was born January 1, 1845. Up to that time his father had been engaged in farming and continued to follow the same pursuit for ten years afterwards, when he took up the occupation of school teaching. For some time he conducted district schools in the country and then removed to Zanesville, where he continued to teach in the schools of that city until he reached an advanced age. The subject of this biography, like most farmers' boys, received the rudiments of his education in the country schools. In fact he was regular in

his attendance at the district school until seventeen years old, when, being qualified, he began teaching during the winter months, continuing his work on the farm during the remainder of the year. While still in his minority he took a course of study in a Cincinnati commercial college, which ended his scholastic education, at least in so far as it has been acquired in schools. Arriving at the responsible age of twenty-one, he secured a position as book-keeper for the wholesale and retail drug house of W. A. Graham & Co., of Zanesville, and remained with the firm three years, or until 1869. At this time he accepted a similar position in Mansfield, which he filled until 1876. In that year he settled in Toledo, as book-keeper for the Toledo house of the firm by which he had been employed in Mansfield, and remained with them until 1878. Several years prior to this time he had formed the purpose of studying the profession and engaging in the practice of law, and in the interval he had been reading the important text-books under the direction of some of his professional friends. At the time of giving up his commercial position he was, therefore, qualified for admission to the Bar and was admitted to practice on the 14th of August, 1878. His experience in trade and his mental maturity enabled him to take hold of the practical business of a lawyer with much greater facility than is usually exhibited by the young practitioner without any varied experiences. His first partnership was with Colonel H. S. Bunker, under the style of Bunker & Harris, which continued about a year and was dissolved by mutual consent. Soon afterwards he formed a second partnership with Almon Hall, which was maintained for a period of three years. He then entered into a partnership with Charles J. Swan and Robert W. Barton, under the style of Swan, Harris & Barton. After remaining two years as a member of this firm he withdrew and continued practice alone for a year. Then he entered into a partnership with Johnston Thurston, forming the firm of Harris & Thurston, which continued ten years and three months and was dissolved July 1, 1896. There was no disagreement between the partners, and the only reason alleged for the dissolution of their partnership relations was the desire of Mr. Harris to take into association with him his son, Harry W. Harris, who will be received into partnership after the completion of his law studies, in the office and under the tutelage of his father. Mr. Harris has during all the years of his practice devoted himself particularly to commercial, municipal and corporation law, and has carried on a general practice in all classes of civil cases. He is so thoroughly versed in the authorities relating to his special branches of the law as to be an accepted authority upon the validity of municipal bonds, and different branches of commercial and municipal law. He is also particularly strong in cases involving the partition and distribution of estates and kindred matters which require accurate knowledge of the laws of descent and titles to property. He has the necessary acumen to understand the rights of parties involved, and the sense of justice to insist upon the impartial administration of law. In politics Mr. Harris is not especially active, but is strong in his allegiance to Republican principles. He is a man of excellent moral char-

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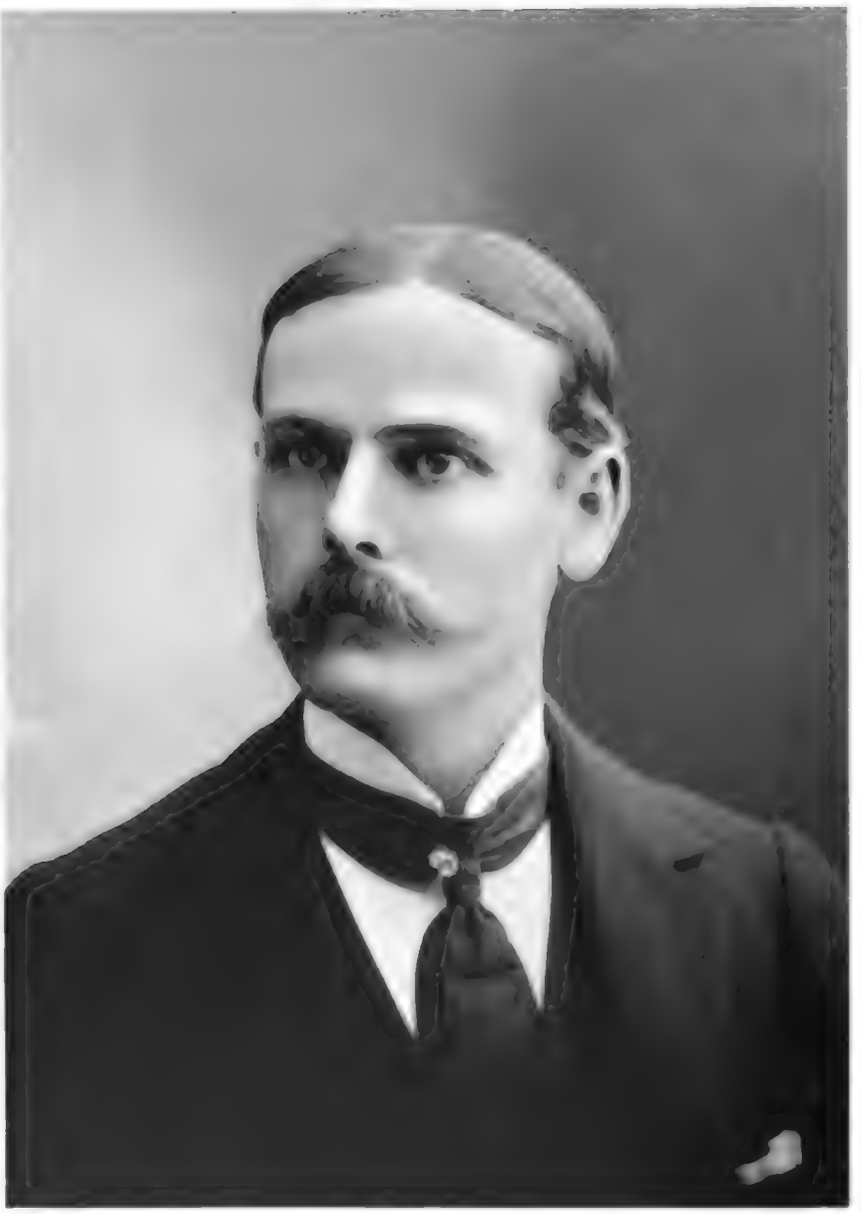

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Benj. F. James,

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acter, strict integrity and undoubted probity in all the affairs of life. He is therefore held in high esteem by the community. He was married October 11, 1871, to Miss Mildred L. King, of Mansfield, Ohio, and has two sons, Harry W. and Hugh King Harris.

BENJAMIN F. JAMES, Bowling Green. Benjamin Franklin James is one of the prominent younger attorneys of northern Ohio, being senior member of the firm of James & Beverstock, of Bowling Green and Toledo, Ohio. He is a native of the State and was born April 30, 1863, near Mount Gilead, Morrow county. His parents, William D. James and Sarah Meredith, were both natives of Ohio. His paternal ancestors were Welsh, and his great-grandfather, James, emigrated from Wales to the United States with his family, coming directly to Ohio about the beginning of the present century, and settling near the Welsh Hills, in Licking county. His father was born in Morrow county in 1815, near Chesterville, where he spent his entire life as a farmer and stock dealer, living until May 13, 1875. The Jameses were among the earliest settlers of Licking county, and later of Morrow county. His maternal ancestors were English and his mother's grandparents, named Farmer, left the mother country and came over to Baltimore in the early part of this century. His maternal grandmother came west to Chesterville, Ohio, where she married William Meredith, a man of English descent. His mother lived until September 27, 1894, and died at the age of seventy-six years on her home farm, near Mount Gilead, after a continuous residence there of fifty-four years. The death of his father cast Mr. B. F. James upon his own resources largely, at the early age of twelve years. He attended the country schools in the township where he was born, until he reached the age of fifteen, and then entered the high school at Chesterville, in which he remained for two years. Upon leaving that in 1880 he entered the Freshman class of the Ohio Wesleyan University, at Delaware, continuing in attendance there for two terms. He then entered the same class in Dennison University, at Granville, where he continued his studies for three years, going thence to the University of Chicago. He was graduated from this University June 11, 1884, with the degree of Bachelor of Arts. The year immediately succeeding his graduation he was professor of Latin and Greek in Burlington College, at Burlington, Iowa. The presidency of this institution was offered to him and declined, because of his desire to take a post-graduate course at Yale. He had for some time cherished the purpose to finish his literary education in one of the old and popular eastern colleges on account of the greater advantages offered there, no less of association than of the larger facilities and equipments in the way of libraries, museums and special courses. At New Haven he pursued selected studies of a literary character and prosecuted also the study of law, in which he completed a two years' course. He was graduated and received from Yale the degree of Bachelor of Laws. Immediately afterwards he settled in Bowling Green for the practice of his profession, and has resided there continuously, but has a

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law office in Toledo also. He was admitted to the Bar of Ohio October 5, 1887, after an examination before the Supreme Court, and formed a partnership for practice with Judge Guy C. Nearing, under the firm name of Nearing & James. This partnership was continued until the election of Judge Nearing to the Bench in 1890. After that Mr. James carried on his law business alone until November of the same year, when the firm of James, Taber & Beverstock was formed. This association remained unbroken until 1892, since which time the firm has been James & Beverstock. The firm of which Mr. James is the head, and the one of which he was a member during the first years after his admission to the Bar, has conducted much of the important litigation in the neighborhood of Bowling Green since 1889, and has gained an excellent reputation from its conduct of large civil and criminal cases. He has been a Republican all his life, as his father was before him from the organization of the party. He has not been a silent member, but his activity at all times has indicated a lively interest in politics and a desire for partisan success. In 1890 he was elected city solicitor of Bowling Green, which he resigned in November of the following year, upon his election as representative in the State legislature. He was re-elected to the office of representative in 1893, after one of the hottest political contests ever fought in Wood county. During the first session of which he was a member he had introduced and pressed to its passage a bill for the erection of a new court house in his county. It was a large undertaking for a new member, but he was successful, and as the public work naturally increased taxation he was required to answer for it in giving an account of his stewardship in a canvass before the people for re-election. In 1890 he was chosen vice-president of the Ohio Republican League, and in 1891 he was elected vice-president of the National Republican League of the United States. He is at the present time a member of the executive committee. As indicated already, Mr. James was a poor boy, without the ready means to pay the expenses of his higher education. He borrowed some money of his brother and some more of his aunt, all of which was repaid out of his own earnings after he became established in his profession. He is a member of the Masonic fraternity, a Knight Templar, and has taken all the degrees of the Scottish Rite, to and including the thirty-second degree, belonging to the Cincinnati Consistory. He is a member of the Baptist Church, by heredity and personal relation. The members of his family for generations have belonged to that church. The following characterization from a judge who has known him intimately will be accepted as a professional estimate: "Mr. James began the practice of law at Bowling Green in 1887 and very early gained prominence at the Bar. Applying himself with great zeal to the duties of his profession, and by rich stores of information and faculties well disciplined in habit of close and accurate reasoning, his industry and skill in the preparation and trial of causes soon attracted attention. With an ability and quickness to see and take advantage of important points, and possessed of a genial spirit and uniform courtesy, he is strong with the jury; his promptness in the performance of whatever he undertakes is highly satisfactory to his clients."

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JOHN W. CANARY, Bowling Green. The subject of this biography is of Irish descent, although a native of Ohio. He was born at Cleveland July 5, 1843. His parents were John P. and Catharine Plunkett, both of whom died while he was a child. The fact of his bearing a different name from that of his parents came about through a freak of boyish impetuosity and inexperience. After the death of his parents he was thrown on his own resources and taken into the family of a farmer in Lorain county, Ohio. At school and in the neighborhood the boys made puns on his paternal name. He was annoyed and irritated by this constant badgering to such an extent that his youthful imagination interpreted the patronymic, and Irish origin it indicated, as something very undesirable, and he changed it to the name which he now bears. At the time of the death of his parents he had a brother and sister living, but the children were then separated and have never again met. He lived with the family of Alonzo Wright, a resident of Lorain county, until he was twelve years of age, attending the public schools of the district when they were in session. At the age of twelve he was taken to Crawford county to live with a son of Mr. Wright, Rev. Charles Wright, but remained with him only one year. His next home was with Mr. Arthur Andrews of Crawford county, with whom he lived until he attained his majority, and some time after. He had passed through the public schools and spent one year in Baldwin University, at Berea, when the civil war broke out. Responding to his country's call, he enlisted in Company A, Eighth Regiment Ohio Volunteer Infantry, for the three months' service. Before the expiration of his term he re-enlisted for three years. The first active service of his command was in West Virginia, where the regiment fought and skirmished its way through to Winchester, participating in all the battles in which the divisions of Generals Shields and Landers were engaged. Later they were attached to the Army of the Potomac and continued with it until discharged. At the battle of Port Republic, Mr. Canary was taken prisoner and held for three months, during which time he saw the inside of a number of southern prisons, among which was the famous Belle Isle. He was paroled and joined his command again in January, 1863. He took part in the battles of Chancellorsville and the three days' fight at Gettysburg. His regiment was sent to New York City in the fall of 1863, where it remained while the draft was being enforced. Returning to the Army of the Potomac, he took part in the battles of the Wilderness, Spottsylvania, Cold Harbor and the assaults on the works at Petersburg. In June, 1864, the term for which the regiment had enlisted expired, and he was mustered out of the service. Returning home, he began the study of law in the office of Honorable Cooper K. Watson, for some years a member of Congress and one of the ablest lawyers of the State. He continued his studies there until he was admitted to the Bar, in the fall of 1867. He began practice at Tiffin, but remained there only a short time when he removed to Bowling Green, in the spring of 1868. From that time until the present he has practiced in the Wood county Bar without intermission. He was first associated with H. S. Seiple for one year; with Alex Brown two years; with Tyler,

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Canary & Harrison several years, and with Major J. R. Swigart for a term of years; after which he practiced alone for some time. In 1889 he formed a partnership with Judge Dodge that has continued to the present time. Mr. Canary was elected prosecuting attorney of Wood county in 1869 and served two years. He was chosen to the mayoralty of Bowling Green in the spring of 1881, holding the office one term. One of the first very notable cases in which he was employed was the prosecution of David Phillips, for the murder of one Charles Landy. The case attracted wide attention. Phillips was convicted of murder in the second degree and sent to state's prison. He has for many years been engaged in most of the important litigation in Wood county. He is prominent in fraternal circles; is a member of the Masonic order, Knights of Pythias, Grand Army of the Republic and the Royal Arcanum, holding a high position in each order. He has since 1874 affiliated with the Democratic party. He was a Republican through the war and reconstruction period, but could not follow them in their financial teachings. He was the nominee on the Democratic ticket for State senator from the Thirty-third District, in 1891, but his party being in the minority, was defeated. He has been several times presented by his county for Congress. He was married in 1867 to Miss Celia E. Duncan, daughter of Washington and Eliza (Gibson) Duncan, of Crawford county, her mother being a sister of General W. H. Gibson, the silver tongued orator of Ohio. They have four children living, two sons and two daughters. A practicing lawyer of the circuit, who is intimately acquainted with the subject, makes this answer to the request of the editor for information:

"In his practice as a lawyer Mr. Canary has always taken a conservative course. He has never sought to dazzle the bystanders by an ambitious display of forensic ability, though capable of doing so, or to win cases by sharp practice. He has been remarkable for the extreme fairness with which he treats witnesses on both sides alike, never seeking to distort or misrepresent their statements, or to cross or confuse them by any unfair course of examination. He has always been especially careful to avoid harsh or unnecessary comments upon those who have given testimony. Perhaps he has carried this tenderness toward witnesses to excess, but it is his deliberate judgment that little if anything is gained by abusing anybody in court, and that much is lost by it. He always studies his cases carefully, and comes into court with a very definite idea of what he wants to prove in order to gain a case; and he expects to win, if at all, upon the basis fixed upon. For this reason he is apt to disregard such facts and considerations as do not, in his opinion, uphold his theory, sometimes making admissions that are regarded by other attorneys as somewhat risky, or rash, but which he regards as unimportant. His arguments to a jury are extremely clear and fair, and for that reason produce much impression. He has been upon the whole successful in his professional career, and has accumulated a very handsome fortune. He is still in the vigor of professional life and work, although inclined to take things somewhat easy."

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EDWARD BEVERSTOCK, Bowling Green, is a native of the State and of Wood county. He was born May 8, 1862, on his father's farm in Washington township, near the village of Tontogany. He is of Anglo-German descent. His father was a native of Vermont and his mother of Wood county, Ohio. His paternal ancestors were originally English, and came to this country in colonial times, settling first in New Hampshire and later in Vermont. His father, Edward B. Beverstock, came to Ohio with his parents when a boy and lived with them in Richland county, until 1855, when he went to Wood county and soon after married Miss Victoria V. Kuder, a resident of that county, and settled on the farm where he now resides. His maternal ancestors were among the early settlers of Pennsylvania and of German descent. His grandfather on his mother's side was a soldier in the War of 1812, and came to Ohio soon afterwards, and after spending a few years in Ross county, finally located in Wood county, in 1832, when settlers there were very few. He purchased a large tract of land, some twelve hundred acres, which in later years he divided among his children. He died in 1872, at the age of eighty-three years. Edward's early education was obtained in the public schools of Washington township, and the high school of Tontogany. He left school at the age of fifteen and for five years remained at home working on the farm. January 1, 1883, he entered the preparatory department of Oberlin College and continued his studies there for six years, working at home during the summer vacations. He took the full classical course and was graduated with the class of 1889, receiving the degree of Bachelor of Arts. In the fall of the same year he entered the Law Department of the Cincinnati College, where he spent two years in legal study. He was graduated from that institution in 1891 with the degree of Bachelor of Laws, and at the same time admitted to the Bar. During his course at the law school, he served the first year as assistant librarian and the second year as chief librarian of the law library, and secretary to the faculty. He at once entered on the practice at Bowling Green, in the office of Honorable B. F. James. After a few months a copartnership was formed under the style of James, Taber & Beverstock, which continued for about one year, when it was dissolved, Mr. Taber retiring, and the present firm of James & Beverstock was formed. The firm as it now stands is one of the most successful in northern Ohio. Their clientage extends to the surrounding counties, and they have an office in Toledo, Ohio. Their reputation is as high for conscientious work in behalf of their clients as it is for legal ability. Mr. Beverstock is a thirty-second degree Mason, a member of the Blue Lodge and the Chapter at Bowling Green, Council Commandery and A. A. S. R. at Toledo, and Consistory at Cleveland. He is also a member of the Knights of Pythias. He is a Republican both by inheritance and choice. He takes an active interest in political affairs. In 1894 he was chairman of the Republican county central committee. He was married in 1891 to Miss Elizabeth Ferguson, daughter of S. E. and Mary C. (Lawrence) Ferguson, of Oakland county, Michigan. They have two daughters. Mr. Beverstock and family attend the Presbyterian Church, of which he and his wife are members. A circuit judge thus characterizes him: "He has

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a vigorous mind, a comprehension quick, clear and exact; his application to study is close; his opinions expressed on intricate law questions are clear. With faculties well disciplined, supported with habits of close and accurate reasoning, he rapidly gains business, and his diligence, promptness and accuracy in all matters entrusted to his care secure the confidence of those who employ him."

JASON A. BARBER, Toledo. Honorable Jason A. Barber, a judge of the Court of Common Pleas, was born at Ionia, Michigan, January 24, 1855. His father was a farmer and a native of the State of New York, who came to Ohio in boyhood. His mother was born, reared and married in Ohio. His parents removed to Michigan in 1852 and were among the very early settlers of the section of the State in which they located. When Jason was eight years of age the family removed to Huron county, Ohio, and his education was begun in the district school. In 1867 they removed to Wood county, where he continued to attend the country schools in the winter and work on the farm during the remaining portions of the year, until he reached the age of seventeen. He aspired to a higher education and was willing to make the necessary sacrifices to secure it. Obliged to rely upon his own resources, he entered himself as a student in the preparatory department at Oberlin in 1872. Although little more than seventeen years old when this important step was taken, he had the courage and self-reliance of a man. Paying his expenses by manual labor and teaching, he pursued his studies until the regular classical course was completed, although it required seven years. He was graduated as a Bachelor of Arts in 1879. His experience and success in teaching secured employment for him as superintendent of public schools at St. Mary's immediately after his graduation, and he remained there one year. The next year he was employed as principal of the high school of Toledo. He was during this time engaged in the study of law as a preparation for practice. At the close of his term as principal of the high school his law studies were continued in the office of L. K. Parks, Toledo, until he was admitted to the Bar in 1882. He then formed a partnership with Mr. Parks, and they remained together in the general practice of the law about ten years. In 1890 Mr. Barber was elected prosecuting attorney of Lucas county, and was re-elected in 1893. The duties of this office were discharged with ability and integrity. Both the court records and common repute accredit him with the conscientious and impartial administration of this office. One evidence of popular approval is found in his nomination as the Republican candidate for judge of the Court of Common Pleas and his election in November, 1896. The judicial office came to him as a merited promotion, and he took his seat upon the Bench in February, 1897, enjoying the fullest confidence of his fellow citizens and of the Bar. Industry, accuracy and integrity may be said to be the prevailing characteristics of Judge Barber. He is absolutely honest and truthful, sincere and earnest. He is entirely free from anything like pretense, either professionally

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or personally. He made an admirable prosecuting attorney for Lucas county and is qualified for the judgeship, as the few months of service on the Bench have demonstrated. He is a thorough student, a convincing speaker, and very effective with a jury. He was married in 1883 to Ida H. Hull, of Sandusky, and has five children — three boys and two girls — all living.

CHARLES A. BOWERSOX, Bryan. Judge Bowersox is a native of the State and of Williams county. He was born October 16, 1846, in the woods, or on his father's new farm, which was only a clearing, when the entire northwestern part of the State was little more than an unbroken forest. His father, John W. Bowersox, and his mother, Mary Breckenridge, were both natives of Maryland; they were married in that State and came westward over the mountains and settled in Stark county, Ohio, about 1830. After living there, four miles south from Canton, seven years they removed to the wilderness of Williams county. His paternal ancestors were of German origin, but emigrated to America at an early day and settled in Maryland and Pennsylvania. His maternal ancestors were Scotch-Irish, who settled in Maryland six or seven generations in the past. Without spending time to trace the genealogy with particularity, Judge Bowersox is content to know that he is descended from honest, undistinguished ancestry—such as compose the great body of the sturdy and self-supporting American people. The foundation of his education was laid in the little log school house, which was one of the earliest evidences of the triumph of civilization over savagery in the Northwest Territory. It is worthy of especial mention as one of the most potent influences in founding a great and prosperous commonwealth. He entered school at the age of nine and attended a short term each year, working on the farm the remaining months until seventeen, when he began teaching. Like many ambitious boys of limited opportunities, who have become famous, he prosecuted his own studies in the higher branches while imparting instruction in the common school branches. In this way he was disciplined and self-taught for seven years. In 1870 he entered Otterbein University at Westerville, Ohio, and pursued to completion the regular classical course, from which he was graduated four years later with the degree of A. B. Judge Bowersox may without criticism cherish a certain pride of independence in having educated himself—not without the instruction of tutors and professors, but with the earnings of his own hands and head and voice. He saved the wages received for teaching and provided for the deficiency while in college by giving instruction in vocal music, or teaching singing schools—as we used to say. It is something to which any successful man may properly refer with complacency. After leaving college he was employed as superintendent of the public schools at Edgerton, Ohio, for two years, and during the same time was a member of the board of school examiners for Williams county. In 1875 he was elected Probate Judge, and during the continuance of his term as such prosecuted the study of law with

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diligence and enthusiasm. For one year of that time he was one of the proprietors and sole editor of the *Bryan Press*, a Republican weekly newspaper. In September, 1879, he was admitted to the Bar, and formed a partnership for practice with Honorable Edward Foster, which was maintained very prosperously until the death of Mr. Foster in 1883. In 1881 Judge Bowersox was elected a member of the State legislature and served one term. In the fall of 1883 he was appointed judge of the Court of Common Pleas in the second subdivision, third judicial district, by Governor Charles Foster, to serve the unexpired term of Judge Owen, who had been elected to the Supreme Bench. On retiring from the judicial office, whose duties he discharged creditably to himself and satisfactorily to the public, he resumed the practice, continuing alone until 1889, when the firm of Bowersox & Starr was formed, which has been continued to the present time. He was voted for in the Republican State convention of 1887, and again in 1895, for nomination as a candidate for judge of the Supreme Court, and was urged for the office by many who recognized his qualifications for that tribunal. His firm has held a leading position at the Bar of Williams county, and had important litigation in all the State and Federal courts. It has held a large business and been connected with most of the celebrated cases in northwestern Ohio; has even crossed over into the adjacent territory of Indiana and Michigan, for tempting retainers in noteworthy cases. In 1891-2 Judge Bowersox partially retired from the management of litigation in court and accepted election to the presidency of Otterbein University, a position which he held for two years. Conscious of the high compliment paid to his scholarship and executive ability in calling him to the chief administration of affars of his Alma Mater, he has devoted much time to the duties of president. The honor was appreciated none the less because entirely unsought. He has not let go the reins of his legal practice, or neglected his large personal interests in commercial and financial business at any time. In 1887 he was elected president of the Farmers' National Bank, and has held the office continuously by successive re-elections. He was a promoter of the Cincinnati, Jackson and Mackinaw railroad, and has been the legal adviser of the company at Bryan continuously. He controls large landed properties in his section of Ohio, and has mercantile interests in neighboring towns. His travels, extending over a large portion of the United States, from the Atlantic seaboard to the Rocky Mountains, have been devoted to the prosecution of his business. Politically he has been loyally identified with the Republican party, and his services have been given freely on the stump in Ohio and adjacent States. He leaves to others the management of the party machine, content to be an advocate and a defender of the faith. His talents are versatile, enabling him to obtain conspicuous rank as a lawyer, grace the position of college president and manage the business of a bank. He has endeared himself to the community by public-spirited citizenship, supporting with energy and liberality such measures as promote the general welfare. His magnificent physique, dignified presence and genial manners are sources of personal influence and popularity. He stands six feet four, with

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symmetrical proportions, and both in person and features bears a striking resemblance to his great friend, the martyred Garfield. As a jury advocate and political orator he is equally powerful and equally ready; fearless in conflict, generous in victory; kind of heart; loved by his friends, respected by political foes. In the preparation of a history of St. Joseph township some years ago he displayed literary ability and versatility as a writer. A prominent member of the Bar has this to say in response to a request of the editor for an estimate:

"After serving the people acceptably as Probate Judge of Williams county, and as Common Pleas Judge of the second subdivision of the Third Judicial District of Ohio, he entered actively into the practice of law in Bryan. Endowed with great natural abilities and favored with a thorough collegiate education, he was not long in demonstrating his worth as a lawyer. While comparatively a young man, he has reached the front ranks in his chosen profession. Being distinguished in appearance, with a powerful and impressive voice and an unusually easy and elegant flow of language, he is a remarkably strong advocate before a jury; and being strictly honest with the courts and his clients, he has for many years enjoyed a lucrative practice. He is in every respect entitled to the confidence and high respect in which he is held by his fellow citizens. As a lawyer and advocate he has few superiors and as a citizen he is the equal of any man."

For the past twenty-five years Judge Bowersox has been a member of the United Brethren Church. He was married June 10, 1875, to Miss Laura A. Jarvis, of Westerville, Ohio, a native of the State, a graduate of Otterbein University and a daughter of Samuel and Lydia Gilbert Jarvis. Her father was the leading merchant of Westerville. They have one child, Ralph, a bright, manly boy, born March 28, 1886, in whose character and disposition appear to be combined the refined intellectual forces of his father and the gentle, æsthetic qualities of his mother.

RICHARD W. CAHILL, Napoleon. Mr. Cahill is a native of Crawford county, born April 22, 1853. His extraction is Scotch-Irish, and he is equipped mentally and morally with the best traits of both nationalities. His grandparents emigrated from Ireland. His father was a pioneer settler in Crawford county, a farmer, and also a leading citizen; a representative in the legislature of the State and a member of the Constitutional Convention of 1851. Richard was born and raised on the farm. His education, begun in the country district school, was continued in the preparatory department of the university at Wooster and completed in Wittenberg College at Springfield, Ohio, where he pursued the classical course to graduation. He was graduated in 1878, and immediately took up the study of law at Norwalk. From boyhood his aspirations to become a lawyer were strong enough to lead him into a course of broad and thorough preparation. His purpose was in perfect harmony with his inclination, and the end was kept steadily in view. After reading for about two years, first at Norwalk and then at Napoleon, he was

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admitted to the Bar in the fall of 1880, after an examination before the Supreme Court committee at Columbus. He settled down to the practice at Napoleon alone, but after a short time formed a partnership with Honorable J. E. Haley, which was terminated in 1882 by the election of Mr. Cahill to the office of prosecuting attorney for Henry county. He was re-elected three years later, and served continuously for six years. It is an office which takes the measure of a lawyer's ability and tests the honesty of a man who administers it before the grand jury and at the Bar. Mr. Cahill displayed remarkable talents, for one so young, in the discharge of his official duties, and preserved his integrity as a man and a lawyer. He conducted one of the most notorious prosecutions in the criminal annals of the State and secured a conviction. Wesley Johnson was arraigned and tried on an indictment charging murder in the first degree. The crime alleged was the killing of the Williams family. The evidence was almost wholly circumstantial; but so closely did the prosecutor follow the steps of the accused, and so cleverly did he weave the net around him, out of the threads of circumstance gathered up here and there, that escape was impossible. The jury followed him and accepted the theory of the prosecution as true. He forged the links of circumstantiality into a chain of evidence which the jury accepted as incontestable proof. The verdict was "guilty" and the felon was executed, after preparing an elaborate confession which sustained the prosecution in every essential detail. The case was sensational, and its management in behalf of the commonwealth was altogether creditable to the State's attorney. Upon retiring from the office of prosecuting attorney, at the close of his second term, Mr. Cahill resumed general practice. In 1891 he formed a partnership with James Donovan, which is still maintained. He has given especial attention to real estate law, and is exceedingly well informed upon all its phases. His conclusion, after the examination of a title or the study of the complications sometimes arising in the partition of realty, and claims through bequest or descent of property, is usually correct. He does not shrink from the labors of a tedious investigation of the facts and the law, but pursues it to the deepest depths until he reaches a solid and impenetrable rock foundation. On this his argument is constructed and his conclusion based. A lawyer of the circuit who knows him well says he is deeply versed in land titles and criminal law. In the laws pertaining to ditches, roads, and everything affecting farms, or litigation peculiarly agricultural, his information is full and his success remarkable. He appears to be guided by the aphorism of the college president, "Other things being equal, the man who has the most facts is the winner." Hence he is indefatigable in obtaining all the facts in a case, and finding the witnesses to prove them, and persevering in the study of the authorities. Nothing material is neglected or overlooked. He prepares his cases with excellent method and superlative care. His character for morality is without reproach, his integrity is unchallenged, and his reputation so well grounded that his fellow citizens, no less than the court, are accustomed to rely implicitly upon his statements. His veracity is never questioned. Politically he is a Democrat, and one who

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proves his faith by his works. He has for years been a member of the city council, and his activities are freely exerted in behalf of popular interests. Mr. Cahill was married June 8, 1884, to Miss Jennie Shoemacker, of Napoleon, only child of Dr. Shoemacker. The family consists of two daughters, aged respectively seven and three years.

WILLIS F. CORBETT, Paulding. Willis F. Corbett, prosecuting attorney of Paulding county and one of the successful attorneys of Paulding, is a native of Ohio. He was born in Seneca county on the 14th day of October, 1862. His parents, Martin Corbett and Elizabeth French, were also natives of the State, although the family on both sides is of English descent. His paternal grandfather, James Corbett, served in the British army in the wars of the allied armies against Napoleon, and was with the Iron Duke in his victory at Waterloo, afterwards emigrating to the United States, settling first in Pennsylvania and coming thence soon afterwards to the young State of Ohio, where he met and married a woman of English birth whose family had settled in the State in the early part of the century. Mr. Corbett's mother's family, the Frenches, were residents of Columbiana county. His education was begun in the common schools of his native county, which he attended during the winter months, spending the remainder of the year at work on his father's farm. In this way his body and mind were kept in balance, the former assisted in its cultivation by a vigorous frame developed by the healthful outdoor exercise incident to farm work. At nineteen he entered Heidelberg University, at Tiffin, where he pursued the course of study for two years. After another year at home, employed in the duties and labor of the farm, he set about the direct preparation for his profession, by taking up the study of law in the office of Honorable George E. Seney. Judge Seney, who was at that time representing the Ninth Ohio District in the Congress of the United States, had achieved distinction in the judiciary of the State and eminence at the Bar. Young Corbett was fortunate in being associated at the very threshold of his student life in the law with a lawyer whose abilities were so manifest and whose position in the profession was so unequivocal. He studied under the preceptorship of Judge Seney for two years, and was then admitted to the Bar by the Supreme Court on the 4th day of June, 1886. His opening practice for one year was in the office where his studies had been prosecuted, and under the same auspices. He then removed to Paulding and formed a partnership with Honorable F. B. De Witt, who was subsequently elected to Congress. This partnership was dissolved at the end of the first year, since which time Mr. Corbett has continued in practice alone. In the spring of 1891 he was elected city solicitor of Paulding, but resigned the position in the fall of the same year upon his election to the office of prosecuting attorney of Paulding county. In 1894 he was re-elected, and is now serving his second term. In his official capacity he has conducted the prosecution of some very important felonies, perhaps the most

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notorious of which was the State of Ohio vs. Charles Hart, indicted for murder in the first degree. The crime of which he was accused—and convicted—was one of the most revolting in cruelty and atrocity which the records of Ohio disclose. The defendant, a boy of eighteen, son of a Paulding county farmer, attempted to commit assault on a little girl, a mere child, and was frustrated by an outcry of the girl's seven-year-old brother. Enraged, he murdered both children, dismembered their bodies and endeavored to conceal his double crime by burning the bodies. His crime was expiated on the gallows. Mr. Corbett is a Republican politically, and has uniformly given his party active support in the field campaigns, while at the same time he has been prominent in the secret councils. He is a member of the Masonic fraternity and a Knight of Pythias. He was married in 1892, to Miss Nettie Hildred, a native of Napoleon, and daughter of George Hildred, a prominent citizen and lumber merchant.

JOHN P. CAMERON, Defiance. The subject of this sketch is a member of the firm of Harris & Cameron. The Camerons are of Scotch descent. They came to this country in the latter half of the eighteenth century and located in Pennsylvania. They are a numerous family. The grandfather of our subject, Mordecai Cameron, and Honorable Simon Cameron, who was so prominent in State and national politics during his life, were close relatives. John and Lydia (Stringer) Cameron, parents of John P., were both natives of Pennsylvania, the former of Lycoming county and the latter of Lancaster county, and were born in 1807 and 1809 respectively. The parents of both came to Ohio while they were yet young, about the same time, and settled at Wooster, in Wayne county. Ohio was then considered the far West, and Wayne county was on the border of civilization. The first occupation of the family in Ohio was in hotel keeping at Wooster, Mr. Cameron at the same time being engaged in teaming. This they followed for twenty-seven years. In 1834 the father of our subject went on a tour of observation through northwest Ohio, tramping through the country on foot, the woods through which the established trails led being too dense for even a horse. He selected and entered a tract of land in Defiance county, and in the fall of the same year the entire family removed to it and followed farming from that time forward. The older members of the family spent the rest of their lives there. The grandfather died in 1864, at the age of eighty-seven years, and the father in August, 1875, and the mother in April, 1881. John P. Cameron was born on the Defiance county farm, March 29, 1851. His early education was obtained in the public schools of Tiffin, his native township, which was supplemented by a course at select schools in the neighborhood. In 1868 he entered the academy at Bryan, Ohio, pursuing his studies there for six years, except a three months' interval each winter, which was spent in teaching district and village schools. He paid all the expenses of his education by his own efforts. While not classical, it was thoroughly practical and fitted him well for his chosen profession. In 1873 he

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entered the Law Department of the University of Michigan, at Ann Arbor, remaining two years and taking the full course. He was graduated in the spring of 1875 with the degree of Bachelor of Laws. The next year he entered the law office of Hill & Myers, of Defiance, remaining with them during the summer, when he was admitted to the Bar. During the winter of 1874–5 he taught school in order to procure funds to liquidate some small liabilities and to start him in his profession. In the spring of 1876 he came to Defiance and established himself in the practice of law, which he has continued there without interruption with the exception of short intervals spent in public service. He practiced alone until 1877, when he formed a partnership with Hill & Myers, under the firm name of Hill, Myers & Cameron. In the fall of 1879 this association was dissolved by mutual consent, and Mr. Cameron formed a partnership with B. F. Enos, which was continued until Mr. Enos was elected prosecuting attorney in 1881. The present firm of Harris & Cameron was then formed, which has become recognized as a leading one in that section of the State. There was a break of three years in this co-partnership, between 1882 and 1885, during which Mr. Cameron served as clerk of the court of Defiance county. During the past ten years the firm has been engaged on one side or the other of most of the important litigation of the county. In 1889 Mr. Cameron was elected city solicitor of Defiance, to fill an unexpired term, and held the office for two years. In 1880 he was appointed assistant United States district attorney for the northern district of Ohio, with office in Cleveland, and entered upon the discharge of the duties in March of the same year, but resigned at the end of six months for the reason that the duties of the office interfered with his private practice. Among the important cases they have handled was that of Arrowsmith vs. Harminning, in which they represented the defendant and finally won, after contesting the case through the State courts and through the United States Circuit and Supreme Courts. It was over the title to a piece of realty and is of interest to such contestants. Mr. Cameron has taken an active interest in the development of the industrial enterprises of the city. He is a stockholder and director in the Defiance Box Company and is interested in other enterprises. He is a prominent member of the Masonic order and now holds the position of Eminent Commander of the Defiance Commandery No. 30, Knights Templar, and has filled other important offices in the order. He is a Republican in his party affiliations, but not an offensive partisan or a politican. The official ballots convey the best idea of his standing in local circles. When he was elected clerk of the court, he and the county treasurer were the only Republicans elected, while the remainder of the Democratic ticket was elected by the usual majority of about 1,400 votes. Again, when he ran for city solicitor he was elected by a majority of 190 against a plurality of 350 for all other candidates on the opposite ticket. Mr. Cameron is a bachelor and an important factor in local society functions.

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ELBRIDGE FLAGG GREENOUGH, late of Wauseon. Mr. Greenough was for many years a prominent lawyer of the Fulton county Bar. The Greenoughs are among the very oldest families in New England. They are of English descent and Puritan stock. Robert Greenough, the head of the American branch of the family, came to America when a child, about 1630, or ten years after the landing of the Pilgrims who came over in the Mayflower. He died at Rowley, Massachusetts, in 1718. John Greenough, the father of our subject, was a native of Haverhill, Massachusetts, but removed to Canterbury, New Hampshire, about the beginning of the present century, removing from there to Boscawen, in the same State, in 1812. He spent the remainder of his life there and died in 1862, at the age of eighty-two years. His father was a soldier in the Continental army during the Revolutionary War and served in the army of General Gates. He was engaged in mercantile pursuits and it was doubtless early association and familiarity with the business that gave our subject a predilection for that line of business. Elbridge Flagg Greenough was born January 30, 1808, at Canterbury, New Hampshire. His mother, whose maiden name was Mary Foster, was also of an old colonial family and of English descent. Elbridge received his early education in the schools of Boscawen, later attending the Academy of Salisbury, New Hampshire, where he was prepared for college. He was graduated from Dartmouth College with the class of 1828, receiving the degree of Bachelor of Arts. The same year he entered the office of Ezekiel Webster, a brother of Daniel Webster, and began the study of law. Later he studied in the office of Richard Eletcher, of Boston, completing his studies in the office of his uncle, Ebenezer Greenough, of Sunbury, Pennsylvania. He was admitted to the Bar about the year 1830 and began practice at Danville, Pennsylvania, where he continued for six years. He returned to New Hampshire in 1842, and entered into the mercantile business at Salisbury, following this avocation for eighteen years. In 1860 he came west and resumed the practice of his profession, at Wauseon, then a small country town of some five hundred inhabitants. It soon became the seat of numerous industries and grew to be one of the important towns in that section of the State, and in 1870 was made the county seat of Fulton county. Mr. Greenough continued in active practice until two years before his death, which occurred in 1875. His practice was largely of a commercial nature and he also dealt to a considerable extent in real estate. He was thoroughly well trained in legal studies and his literary taste led him to be a great reader, but the bent of his mind was commercial, owing to his boyhood training and associations. In early manhood Mr. Greenough was a Whig, and after the formation of the Republican party became identified with it. Though strong in his principles, he was not active in politics and was never an aspirant for office. He was elected for one term as mayor of Wauseon, and served from a sense of duty rather than from choice. He was married in 1848 to Miss Elizabeth R. Eastman, daughter of Moses and Elizabeth Eastman, her father being a prominent attorney of Salisbury, New Hampshire. She died at Wauseon October 14, 1892. Although Mr. Greenough had not followed his

profession closely at all periods of his life, he was a good lawyer, well versed in both statute and common law, a strong advocate and a successful practitioner. He was honorable and straightforward in all his dealings and had the respect and esteem both of his professional brethren and the community at large. His only son, Charles F. Greenough, was born at Salisbury, New Hampshire, July 29, 1849. His education was begun in the public schools of Salisbury and completed in the Wauseon High School, and under the tuition of his father, who was a ripe scholar. In 1870 he took up the study of law in his father's office, was admitted to the Bar in 1872 and succeeded to the practice of his father, who retired from active participation in the business one year later. The practice is a general one, though he devotes considerable attention to the special features of his father's business. In his party affiliations he is a Republican of pronounced views, though not active in politics. He is a member of the Congregational Church of Wauseon, with which his mother in her life was actively connected.

JOHN QUINCY FILES, Wauseon. John Q. Files, prosecuting attorney of Fulton county, is a native of Ohio. He was born on his father's farm near Xenia, September 21, 1846. His parents were Sylvanus and Martha (Jewett) Files, his father a native of Rhode Island and his mother of New York State. On his father's side the family is of English descent and on his mother's, English and Scotch. His paternal grandfather was an Englishman and a seafaring man, who brought his family to America and located them on Narragansett Bay in Rhode Island. He was lost at sea, while the father of our subject was yet a child. Sylvanus Files was born in 1793, near Providence, and died at the age of eighty-four years, in Lucas county, Ohio. He came to Ohio on horseback when a young man of twenty and located at Worthington, in Franklin county, while most of the State was yet a wilderness. He engaged first in the manufacture of woolens and later settled near Xenia, where he engaged in the same business, finally removing to Lucas county, where he lived until death. The mother, Martha Jewett Files, died at Swanton, Ohio, in 1831. Colonel Moses Jewett, a brother of the maternal grandfather of our subject, was a soldier of distinction in the War of 1812, and part of the time was in command of the American troops during the siege and battle of Sacket Harbor. John Q. Files received his early education in the public schools of Green county and in private study. At the age of nineteen he engaged in the manufacture of tow from flax and followed this four years. In 1870 he took a course in the Spencerian Business College, at Louisville, Kentucky, after which he went on the road in the capacity of commercial traveller until 1875, when he engaged in farming in Lucas county for two years. He commenced the study of law in the office of B. T. Geer in Swanton, Fulton county, in 1877, and after a period of three years was admitted to the Bar, December 8, 1880. Mr. Files was among the first to be admitted under the new regulation requiring examination before the Supreme Court of the State. He opened an office at once, at

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years, and held the chairs

at [illegible] He was married in 1877 to Miss A

[illegible]

[illegible] Allen County, Ky., [illegible] Van Wert County, [illegible] J. Gibbs. A [illegible], who [illegible] second nuptials [illegible] 1870. His mother died [illegible] Van W[illegible] Pennsylvania [illegible] compressor [illegible] homestead [illegible] sketch, graduated from the public schools of [illegible] Wittenberg [illegible] 1878, and [illegible] Court at Columbus, [illegible] been employed [illegible]

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Swanton, and continued in the practice there until 1891, when he was elected prosecuting attorney of Fulton county for a term of three years. He then removed to Wauseon, which has been his home since. On the expiration of the term he was re-elected. In this position Mr. Files has made an enviable record. During the five years he has prosecuted the pleas of the State, there have been only three acquittals of parties arraigned for trial, and of the indictments he has drawn not a single one has been set aside or demurred to on account of insufficiency. He is a Republican by inheritance and from principle. His father was a Whig, an abolitionist, an underground railway conductor and a strong Republican on the formation of that party. He is prominent and active in party affairs; has been a member of the Republican county central committee for years, and held the chairmanship of the executive committee. He is a member of the Masonic order, both of the Blue Lodge and the Chapter. He is also a member of the order of Odd Fellows and Knights of Pythias. He was married in 1877 to Miss Alice Thompson, who died two years later, leaving an infant child that died a few months after its mother. In 1882 he was married to Miss Mary Bowman, of Lucas county. They have two daughters, Kate and Florine. A judge in high standing says: "Mr. Files is a good all round lawyer, an honorable gentleman and always has the courage of his convictions. I don't know of any particular branch of the profession in which he especially excels." A prominent lawyer in a neighboring town says: "Briefly, Mr. Files is a careful, hard-working, good lawyer. He is conscientious to a fault, but when the right way is determined upon, he takes that course fearlessly. He has sand without limit. An excellent trial lawyer. You can fully commend him and be just."

DAVIS JOSEPH CABLE, Lima. Mr. Cable, one of the younger members of the Allen county Bar, was born in Van Wert county. He is the son of John I. Cable, of English descent, who was a printer by trade and editor of several newspapers during his life. His mother was Angie R. Johnson, daughter of Davis Johnson, one of the earliest settlers of Van Wert county. His grandfather, Joseph Cable, born in Ohio in 1801, was a descendant of the Cable family that emigrated from England at an early date and settled in Pennsylvania. For two terms he represented in Congress the Fifth District, comprising Columbiana, Stark, Jefferson and Carroll counties. This congressional service was in 1849 to 1853, and he was the author and champion of the first "homestead bill" passed by Congress. Davis J., the subject of our sketch, graduated from the public schools of his native county and afterwards attended the University of Michigan in the Literary and Law Departments. While continuing the study of law he taught school in Van Wert county in 1878, and was admitted to practice in 1881, after examination by the Supreme Court at Columbus, and immediately began the practice at Lima. He has been employed in nearly every important case tried on this circuit during

the last ten years. Politically he is a Republican, but does not seek office outside of the line of his profession. He was elected city solicitor in 1882 and held the position for two years. In 1882 he was married to Mary A. Harnley, of Van Wert. Five children are the fruit of this union, namely: John L., Davis A., Ethel R., Chester Morse and Jo Harnley. He attends services with his family in the Methodist Episcopal Church. One of the members of the Bar in Lima says: "Mr. Cable has a splendid reputation as a lawyer. He is a good pleader, logical, keen sighted, and makes a clear, convincing argument. He occupies a most enviable position as an attorney and a counsellor, which he has earned by natural ability, supplemented by close study and hard work. He is one of the most successful members of the Allen county Bar."

JOHN FINLEY BROTHERTON, Lima. Mr. Brotherton is of English and Irish extraction, the son of Jasper Brotherton, whose family removed from Pennsylvania and settled in Hamilton county, near Cincinnati, among the pioneers of southern Ohio. He was born July 24, 1844, at Piqua, where his father carried on the business of contractor and builder. He was educated in the common schools at Piqua, and Wesleyan University at Delaware, Ohio, from which he was graduated in 1864. He began the study of law while in school and continued reading after his graduation, with J. F. McKinney at Piqua. He was admitted to the Bar in the fall of 1865 and immediately removed to Lima, where he entered upon the practice. For the past thirty years he has been engaged in a general legal business, practicing in all the courts, as is the custom of lawyers in the smaller cities. In 1869 he formed a partnership with Theodore E. Cunningham, which was terminated in 1880. After that he continued alone until 1893, when his son, Cloyd J., who was admitted to the Bar in that year, was admitted to partnership in the firm of Brotherton & Brotherton. He was at one time editor of the Miami county *Democrat* and has gratified a taste for literature by general reading and frequent contributions to the public press. In 1867 he was elected prosecuting attorney of Allen county and re-elected in 1869, serving in that office four years. In 1881 he was elected city solicitor and served one term. He has taken an active interest in local affairs as well as politics, and at the present time is a member of the city council, representing his own ward. His political affiliation is with the Democratic party, whose principles he has sedulously promoted by public speech and active membership in club and party organizations. He was married June 3, 1868, to Clara Jacobs, daughter of the late Thomas K. Jacobs, of Lima. He has one son and three daughters: Cloyd J., his partner in law, Marie, Roberta and Clara Louise. He attends services in the Presbyterian Church.

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JAMES W. HALFHILL, Lima. James Wood Halfhill is a native of Ohio, born March 1, 1861, at Mercer, in Mercer county, the son of Moses Halfhill, a sturdy farmer of German descent, who knew the value of education, had a fair library of good books and kept well posted on current topics. His mother was Elanor Maria Wood, descended from an old English family, some of whose members emigrated from the mother country and settled in the colony of Massachusetts about the year 1700, and subsequently separated, some of them removing to New Hampshire, others to New York, in which State she was born at Upper Jay, Essex county; others went to Canada and settled near Quebec. The fact is historical that the Plains of Abraham, memorable in the war between England and France, for supremacy in the province of Quebec, derived their name from Abraham Wood, the ancestor of our subject, James Wood Halfhill. Through the strain of his mother he inherited intense patriotism and a taste for military history. His maternal great-great-grandfather was a soldier in the Revolutionary War, his great-grandfather in the War of 1812, and his grandfather's only son, Ransom E. Wood, as a Union soldier gave up his life on a battle field of the Civil War. Moreover, through all the dark days of the Civil War his father was a strong supporter of the Union cause. His boyhood was spent in hard labor on his father's farm. He was prepared for college in the common schools, and completed his literary education in the Ohio University, at Ada, from which he was graduated in 1884, with the honors of his class. He began the study of law the following year at Bellefontaine, Ohio, in the office of Judge William H. West, a distinguished lawyer and a man of remarkable eloquence as well as superior attainments in the profession. This association was most fortunate for the young man, both in respect of his facilities for making progress in his legal studies and also in the opportunity afforded of acquiring a correct literary style and impressive manner in public address. After reading with Judge West he attended the Law School at Cincinnati, sufficiently advanced to enter the Senior class, from which he was graduated in 1887. He removed to Lima and began the practice of law at once, forming a partnership with Jacob C. Ridenour, who was his associate, classmate and friend in the university at Ada. The firm has acquired a large practice, not only in Allen county, but also in the counties adjacent, as well as in the Federal courts. Mr. Ridenour holds the office of prosecuting attorney at the present time. Mr. Halfhill was associate counsel for the defense in the celebrated case of William Goins, tried for murder in 1889, which is fully reported in connection with the sketches of Judge Price and Mr. Motter. It is the case in which the verdict was determined by a method as reprehensible as that adopted by the Louisiana Lottery Company, and which caused the Supreme Court of the State to grant a new trial, resulting in acquittal of the prisoner. Mr. Halfhill is a very earnest, enthusiastic man in the prosecution of any undertaking. Politically he is a pronounced Republican, active in promoting the interests of the party. He was a member of the State Central Committee in 1888-9 and '90; has attended every Republican State Convention since he became of age, and usually as a delegate; has been active in every

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A. R. McIntire

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work on the farm and taught in the district schools in winter time. He also attended the neighboring village schools and made use of all the facilities afforded for acquiring an education. He aspired to larger learning and better scholarship than could be gained in the country or village schools and was willing to pay the expenses incident to a college course. In furtherance of this ambition he taught district school two successive winters, beginning at the age of eighteen, and in September, 1860, entered the Freshman class of the Ohio Wesleyan University at Delaware. Obliged to defray his own expenses, he engaged in teaching a considerable portion of the time, but this diversion was not detrimental to progress in the acquirement of a liberal education. On the contrary, the mental discipline, the self-control, the close application to self-culture, the discriminating study of mental capacity, and the tact required to adapt instruction to the understanding—which are at once the result of teaching and the high qualification of a successful teacher—are invaluable aids to the prosecution of classical studies. Any young man who has managed a public school in a satisfactory manner, as "master" and instructor, has thereby improved his lawyerly qualifications. The allotment of a portion of his time to teaching, while pursuing a course in college, was manifestly advantageous to the collegian also in the utilization of acquired knowledge. His course was interrupted, however, at the close of the second year by his enlistment in the ranks of the Union army. In August, 1862, he enlisted in Company A, Ninety-sixth Regiment, Ohio Volunteer Infantry, and served until March, 1863, when he was discharged on account of sickness. In May, 1864, he was again mustered into service as first lieutenant Company H, 142nd Ohio Volunteer Infantry, and served until September following, the term of enlistment being one hundred days. He then resumed his studies in the university, from which he was graduated in June, 1865. For the first year after leaving college he was in charge of the public schools of Fredericktown, Knox county; for the second he was employed as a solicitor of life insurance at Columbus, Ohio. He then became a student of law in the office of the late Judge Rollin C. Hurd, of Mount Vernon, and was admitted to the Bar in June, 1869. His ability and genius for the law had been observed by his preceptor and found recognition in the offer of a partnership immediately after his admission to practice. His association with Judge Hurd was thus continued without interruption until the death of the latter in 1874; and since that time Mr. McIntire has remained in practice alone, except six years, from 1875 to 1881, when he was associated with Mr. D. B. Kirk. He has not been satisfied with a superficial knowledge of the law, nor has he sought simply to become a case lawyer. His method of study and habits of thought enable him to penetrate the surface and explore the depths, even to the foundations upon which the fabric rests. He has not simply studied the problems, but has become familiar with the principles, the essence, out of which the problems are formulated. His studies have not been restricted to the law alone, but have embraced the whole range of science and classic literature. He has an especial fondness for the ancient languages and mathematics. Ever since he first read Virgil and

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Homer in his college course he has continued to read them and other classics for recreation. Latterly he has found a new incentive for reviewing the classics in following the college course of his sons. One of them was recently graduated from Oberlin College and the other is now a student in the Ohio State University, and the father was ambitious to keep ahead of them, as much for his own gratification as for their advantage. It is a source of great pleasure to be able to read with them in the original text, to instruct them in difficult translations or the occult meaning of obscure passages. He has also found it desirable to freshen his knowledge of the higher mathematics, and keep up with the late scientific discoveries, since his younger son is giving especial attention to the subject of electrical engineering. For many years he has been regarded as the scientist of the local Bar, and cases involving mathematical problems, medical or other scientific evidence are usually entrusted to him ; or if taken by other lawyers the technical and involved questions are referred to him. His appointment as administrator, executor and trustee for the settlement of complicated estates and trusts is frequent. Among the estates settled by him as administrator were those of the late Judge Rollin C. Hurd and later that of the judge's son, Honorable Frank H. Hurd, of Toledo. From the beginning of his practice to the present time he has had the entire law business of the C. & G. Cooper Company, by far the largest manufacturing concern in Knox county, and during that time had the entire law business of the Mount Vernon Bridge Company, the next largest business concern in the county, from its organization in 1879 until it quit business in 1893; and among other things in this line he formulated and organized the Mount Vernon Public Library Association, the Mount Vernon Sanitarium Company and the Mount Vernon Academy, being retained as counsel for all of them. He is logically the counsellor of clients having such matters in charge, on account of his superior knowledge of the laws relating to them acquired by personal experience. He has a wide reputation for successful management of that class of business and in this branch of the practice has no superior, and perhaps it is not too much to say no equal among his associates at the Bar. Declining to accept a retainer in criminal cases, his practice is otherwise general, both as counsellor and trial lawyer. His open, upright life of thirty years in the community has won for him the confidence of all the people. He is courteous in manner, considerate of the rights and feelings of others, honest and just in his dealings, resolute in his purposes, inflexible in his integrity, reliable in his promises, responsible as to business and financial standing. Mr. McIntire is a Republican politically, but independent enough to oppose his party on principle, as he did in 1896 because of his belief in the justice and equity of the free coinage of silver by the United States, regardless of the action of other nations. The only political office he ever held was membership in the school board of Mount Vernon, which he retained fifteen years. He has been a member of the State Bar Association from the date of its organization and is a life member of the Ohio Historical Society. He philosophically resorts to the classics as a sedative.

When annoyed by any disagreeable incident, or disturbed by unbidden and unwelcome thoughts, he is accustomed to lose himself in the perusal of a few pages of the original text of a favorite Greek or Latin author, until his composure is regained. Mr. McIntire's religion is that of the philosopher and scientist rather than that promulgated in creed and dogma. He believes in purity of morals and his daily life is in accord with the principles of strict morality. He attends the services of the Presbyterian Church, in which his wife has membership. He was married September 28, 1869, to Miss Helen Richards, of Fredericktown, and has two sons: Rollin R., born March 1, 1871, and now a student of law; and Alfred H., born August 13, 1876, a Junior at the State University in the department of Electrical Engineering.

FRANK MOORE, Mount Vernon. Frank Moore, the subject of this sketch, was born April 16, 1852, in Richland county, Ohio. His mother and father, of French and Scotch descent respectively, were both natives of the State of Maine. They were married in the State of Ohio and settled in Richland county. He was educated in the common schools and graduated from the high school of Mt. Vernon in 1871. As a boy he had some aspiration to enter the army, and was twice appointed to the Military Academy at West Point. Each time, however, he was obliged to decline because of the unwillingness of his father that he should become a soldier. After leaving school he joined a corps of engineers who were surveying the Cleveland, Mt. Vernon and Delaware railroad, remaining with them until December, 1873. At that time, having fully decided to become a lawyer, he entered the office of Cooper, Porter & Mitchell, as a student of law. His relations with this firm as a student were continued until the firm was dissolved, shortly prior to his admission to the Bar. From that time forward he was associated with Colonel William C. Cooper alone. In 1878, and again in 1880, he was elected prosecuting attorney for Knox county. At the close of his second term the firm of Cooper & Moore was formed, which has since been in continuous practice, and is recognized as one of the ablest, as well as most successful law firms in the circuit. They have during the last dozen years been retained as counsel for many large corporations, and at the same time their general practice in litigated business has been extensive. At the opening of his practice Mr. Moore cherished a mild ambition to attain rank among the foremost advocates. He had already made a reputation as a fluent speaker, his manners were pleasant, and he was regarded as quite formidable in debate for a young man. He affirms, however, that he recognized very early the overshadowing ability and reputation of his law partner, Colonel Cooper, as an advocate, and willingly resigned to him the conduct of the trial of cases; gave up his early ambition, and directed all of his efforts and energies to the acquirement of a thorough, substantial and practical knowledge of the law. Estimated from the success he has attained in the management of cases, and the reputation established as a pleader, his

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second resolution was wise. He has devoted himself so sedulously to an acquisition of the principles of the law and to becoming acquainted with the authorities that his management of important cases is not only comparatively easy, but usually successful. He has been a close, careful and intelligent student, and has become well versed in the philosophy of the law and its application to the various contentions brought forward in litigation. He is regarded as eminently safe and painstaking in the preparation of pleadings, so that they usually stand the test of the severest examination in settling the issues preliminary to the trial of a case. He is therefore a number one office lawyer, which is perhaps not less important than to have spent the years in building up a reputation as an advocate. Mr. Moore has never been a candidate for office since he really settled down to the practice of law. He served some years as school examiner for the county when quite young, but had the courage to decline a nomination for judge of the Court of Common Pleas in 1896, as well as other offices which he could have secured prior to that time. On the subject of religion his views are broad and liberal. He is not a communicant of any church, nor is his belief interpreted by any confession of faith. He is thoroughly independent himself and tolerant of the views of others. He was married November 6, 1880, to Miss Blanche Struble, only daughter of Dan Struble, a banker of Fredericktown. No children were born of the marriage, and his wife died October 9, 1894.

WILLIAM S. HASKELL, Bowling Green. For two hundred and fifty years the ancestors of Mr. Haskell have been prominent and cultured people. He was born in Detroit on the 11th day of April, 1850. His parents, Rev. Samuel and Elizabeth (Granger) Haskell, were both of English descent. The head of the American branch of the Haskell family came to America in 1642 and settled in New England. During the present century the family have scattered widely, and among them are to be found some highly honored citizens. On his mother's side the Grangers were also among the early settlers of New England, the family seat being in Connecticut. The name is familiar to the student of American history. One of the cousins of his mother, Gideon Granger, was postmaster-general for thirteen years, from 1801 to 1814. Another cousin, Francis Granger, was twice a candidate for governor of New York, candidate for vice-president on the Whig ticket with General Harrison, a member of his cabinet and a member of Congress. Her immediate relatives have been prominent both in war and in peace for the past one hundred years. Mr. Haskell's father was a minister of the Baptist Church for over forty years. He is a graduate of the Brown University and of the Hamilton Theological Seminary, now Colgate's University. He was married to Miss E. Granger, and soon after removed to Detroit. The forty-one years he spent in pastoral work were all spent in Detroit, Ann Arbor and Kalamazoo, Michigan. He is now seventy-nine years of age and in the enjoyment of good health, physically,

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and his mind is unimpaired. He has for the past nine years been professor of Biblical Research in Kalamazoo College. He has been an author as well as minister, and his work entitled "Heroes and Hierarchs" attracted considerable attention in church and religious circles. William S. Haskell spent his boyhood days in Kalamazoo, Michigan, and his early education was obtained in the public schools of that town. After passing through the primary and grammar schools he entered the high school, where he spent two years, when he entered the preparatory department of the Kalamazoo College. He completed the first two years of the college course there, when he went to the University of Michigan, and, entering the Junior class, was graduated in 1872 with the degree of Bachelor of Arts. After leaving college he took up the avocation of teacher. He was principal of the schools at Three Rivers, Michigan, during the years 1872-3. From 1873 to 1877 he had charge of the schools at Prairie Creek, Indiana. He then came to Bowling Green, Ohio, and took charge of the schools of the town, a position he held for six years, declining a re-election in 1883, in order to fit himself for the practice of law. While superintendent of the city schools he originated the present system under which the schools are operated. He took up the study of law in the office of Cook & Troup, and after a two years' course was admitted to the Bar, in 1885. He at once began practice in Bowling Green, alone the first nine years, when in 1894 he formed a partnership with A. J. Mears, under the firm name of Mears & Haskell, as at the present time. Mr. Haskell has been for several years the legal adviser of the Hankey Lumber Company and a part of the time served as secretary and treasurer. He was a member of the board of education for two terms; was also county school examiner for two terms, and a member of the city council for two terms. While serving his last term in the council he was elected mayor by that body, to fill the unexpired term of the incumbent of the office, who had been appointed by the governor to fill another position. In the following spring election, 1894, he was elected to the office by popular vote for a term of three years. In politics he is a Republican, active in support of party measures and prominent in the councils of the party. He has been secretary and treasurer of the county central committee. He is a member of the Masonic order. Mr. Haskell was married in 1875 to Miss Eliza Weeks, daughter of Harvey and Mary (Piety) Weeks, of Terre Haute, Indiana. The Weeks family are old and wealthy citizens of Kentucky, while the Piety family were among the early settlers of Indiana, coming to that State from Virginia. They have four children, two sons and two daughters.

JOHN DAWSON CRITCHFIELD, Mount Vernon. John D. Critchfield was born in Howard township, Knox county, Ohio, November 30, 1841. His father, Lewis Critchfield, was born and bred a farmer in the same county. His grandfather was a native of Cumberland county, Maryland, but emigrated westward and settled in Knox county, Ohio, in 1805. The Critchfield family

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is of Scotch descent. His mother's family name was Dawson and her immediate ancestors were English. He attended the country district school during its sessions and worked on the farm in the intervals until he reached the age of eighteen years, after which he made the necessary preparation for a course in college and matriculated at Kenyon. Completing the classical course, he was graduated in 1867 and then engaged in teaching for two years. This was only preliminary to his settled life-work, as the decision to enter the profession of law had been reached long before. He studied two years in the office of Hurd & McIntire, at Mt. Vernon, and was admitted to the Bar in December, 1871, after passing an examination before a special committee appointed by the Supreme Court. For the space of four months afterwards he remained in the office of Hurd & McIntire, and in April, 1872, formed a partnership with J. B. Graham, under the name and style of Critchfield & Graham, which has continued to the present time. Mr. Critchfield was the attorney of the Farmers' Insurance Company of Howard for ten years, and the company's business took him into many of the higher courts of the State. His general and continuous practice has of course always been in Knox county, but his outside business has been considerable for the past twenty years. He has been associated with some of the most eminent lawyers of the time in the management and trial of many cases of great importance. He is at the present time retained in a case involving some nice legal questions and monetary interests aggregating three hundred thousand dollars. The controversy is between men of very high financial and personal reputation who were associated in a large coal deal and whose relations became strained by complications and implications of the partnership. The case is exceedingly interesting and to a degree sensational, because of the character of the parties and the charges of fraud. Mr. Critchfield is a safe counsellor and very conservative in disposition. He has been a careful student of the philosophy and principles of the law, as well as its text-books and the published reports of decisions. Although a successful trial lawyer, an exact pleader and a safe counsellor, his most marked success is in the preparation and presentation of cases in brief in the Appellate Courts, and especially in the analysis and application of new and intricate questions of law. For many years his printed briefs and arguments have appeared in the Supreme Court of Ohio in error cases with more frequency and in more important cases than those of any other lawyer of Knox county. He is regarded by the local Bar as the leader in that line of practice. His caution and conscientiousness, as well as his knowledge of the law, combine to lend prudence and wisdom to his counsel. When consulted with a view to bringing an action he sifts and weighs a client's statements dispassionately, to determine the justice and equity of his cause, and if these elements are wanting no contention will be carried into court upon his advice. Even when these exist he prefers to exhaust other means of remedy and redress before advising upon final application to a court of law or chancery. He does not engage in legal controversy for the love or glory of it. That he has won public confidence is evidenced by his connection with cases of the greatest

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importance. He is accustomed to inform a client candidly and frankly whether or not there is anything in his case as stated, and then to advise him with equal candor as to his rights and the probability of securing them as party to an action in court. His reliability has been thoroughly tested and the confidence of a client in his integrity is the growth of years, or dependent upon a reputation for honor and integrity which is established and unquestionable. The foundation for his success in the law is inflexible integrity. His high sense of personal honor and his honesty in business affairs are conceded on all hands. He is not inclined to be self-assertive; on the contrary he is not only unassuming, but even diffident. His generosity and kindness of heart are qualities which bind to him friends who are unwavering in their attachment. His fidelity to truth and justice, his earnestness and devotion to principle, his sincerity in the common, every-day matters and his vigorous prosecution of the undertakings of larger magnitude lend value to his citizenship and strength to his character as a lawyer. He has always been a student of history, philosophy and science, as well as law, and these studies have increased his breadth and power. Mr. Critchfield is a Republican in opinion and sympathy. The principles of that party receive his endorsement and its candidates his support; but he is by no means a narrow partisan. He has never held political office or accepted a candidacy. He is a believer in the Christian religion, without bigotry or sectarianism. He was married October 6, 1880, to Miss Hattie Henderson, of Cleveland, and has one daughter, Miss Pearl, born August 6, 1881.

A. P. LINN COCHRAN, Springfield. Among the prominent and successful attorneys at the Clark county Bar must be named A. P. Linn Cochran, a Pennsylvanian by birth and a Buckeye by adoption. In childhood and youth he enjoyed the advantages of a cultured home and good schools, preparatory to his admission to college. He pursued and completed the classical course at Princeton, from which he was graduated in 1856. The following year he located in Springfield and began the study of law with Rodgers & Cochran, the junior member of the firm being his elder brother. After two years of preliminary reading and study he entered the Cincinnati Law School, and was graduated therefrom the next year. Returning to Springfield, he began the practice of his profession in partnership with his brother, David M. Cochran, under the firm name of Cochran & Cochran. This arrangement continued until the death of his brother, in 1870. The firm had a good practice from its organization, which grew as their reputation for legal ability became better understood, until they took rank with the leaders of the Clark county Bar. After the death of his brother Mr. Cochran continued in practice alone until 1877, when he entered into partnership with Robert C. Rodgers, under the firm name of Cochran & Rodgers, as it exists at present. Mr. Cochran is a thoroughly well read lawyer. Ask any number of well informed citizens of the

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HINCHMAN S. PROPHET, Lima. Mr. Prophet was born January 26, 1836, in Evesham, Burlington county, New Jersey, one of a family of eight children. His parents were John Prophet and Catherine Roberts, natives of England, who emigrated to America in 1829, and lived for a time in Philadelphia and New York before settling in New Jersey. The family removed to Ohio in 1838, locating first in Columbiana county and afterwards removing to Morrow county. The subject of this sketch was educated in the common schools of Cardington, Ohio, and began the study of law at the age of twenty under the instruction of Ross Burns. His studies were continued at Mount Gilead under Judge J. A. Beebe, and he was admitted to the Bar in that town February 2, 1860, having spent four years in preliminary studies. He was immediately admitted to partnership with Judge Beebe, with whom he continued practice until the opening of the Rebellion. Under the first call for volunteers he enlisted and was elected second lieutenant of a company; but as the quota of troops required under the first call was filled before his company was mustered, he re-enlisted as a private in Company C, Fifteenth Ohio Infantry, which had already been accepted by the governor. He served three months in the campaign in West Virginia and, after being mustered out, assisted in recruiting and organizing Company B of the Forty-third Ohio Infantry, in which he served successively as second lieutenant, first lieutenant and captain. He was wounded in the second battle of Corinth in 1862 and resigned in the summer of 1863, on account of ill health. In his official report of the battle of Corinth the commanding general made honorable mention of Captain Prophet, commending him for conspicuous good conduct, bravery and efficiency in the battle. Upon returning to Mount Gilead he was elected colonel of the Second Regiment Ohio Militia, and received a commission from the governor. For five years next ensuing he practiced his profession and at the same time was editor and proprietor of a county newspaper. In 1866 he was appointed postmaster of Mount Gilead by President Johnson, and in the fall of 1869 was elected State senator, serving one term. In the published history of the Fifty-ninth General Assembly we find this paragraph: "Mr. Prophet has never been absent from his seat with or without leave but once, and that was but for one afternoon to visit the Soldiers' Home at Xenia as a member of the committee. He has never missed a single vote on any question during the two sessions of the legislature. He is a fine speaker, only speaking upon such subjects as interest his constituents, and then he is generally successful in carrying his point. Socially he is an excellent fellow and has hosts of friends in both parties." At the close of his service in the Senate he removed to Lima, in 1872, where he has resided continuously and been employed exclusively in the practice of law as senior member of the firm of Prophet & Eastman. His practice has been general in the various State and Federal courts and has included a large proportion of the important litigated cases in the Circuit and Common Pleas Courts. One of these cases, which excited general interest, not only in the county, but throughout the State, was "The State of Ohio on the relation of Henry Morgenthaler vs. C. D.

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H. S. Prophet.

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Crites, auditor of Allen county, Ohio." This was an action brought by the tax inquisitor for Allen county, praying for a writ of mandamus compelling the auditor to proceed upon the facts and evidence placed before him by said inquisitor and ascertain as far as practicable, and enter for taxation on the tax lists of said county, any personal property, moneys, investments in bonds, stock or otherwise, owned by Calvin S. Brice in any of the five years prior to 1889. It was claimed that Senator Brice had omitted from his tax returns about two million dollars upon which he should have paid taxes. It was also claimed that the auditor, being a personal and partisan friend of the senator, was not willing to do his duty as a public officer, and it was averred in the petition of the inquisitor that the auditor neither desired nor intended to require Mr. Brice to pay any taxes except such as he paid voluntarily. The constitutionality of the tax laws, and of the law authorizing county commissioners to employ tax inquisitors, was involved. The result of the contest was that the writ issued compelling the auditor to put the sequestered property on the tax list. The case is fully reported in 48th Ohio, pages 142 to 176. It was celebrated no less on account of the prominence of the principal party to the suit than on account of the array of eminent lawyers employed in the several branches of the case. The State was represented by William L. Avery, Robb & Leete, Boynton & Hale and ex-Governor J. B. Foraker. The county commissioners were represented by Isaac S. Motter, prosecuting attorney, and Honorable H. S. Prophet. Honorable John McMahon and S. N. Owens, ex-Chief Justice of the Supreme Court of Ohio, appeared for Senator Brice. In politics Mr. Prophet is a Democrat. He has held important official positions and discharged his duty with ability and fidelity. He served four years as city solicitor of Lima, beginning in 1874. He was elected prosecuting attorney for Allen county in 1878 and re-elected in 1880, serving four years. He was mayor of the city for a term in 1881 and 1882 and declined renomination. He also served as a member of the board of education of the city for ten years, was president of the board five years and is now serving as treasurer. He has been a member of the Bar Association of Ohio ever since its organization. He is a member of the Society of the Army of the Tennessee, also an active member of the National Veteran Union, and was elected Judge Advocate General of Department of Ohio, Indiana and Kentucky for the years 1892–93, and elected in August, 1895, Judge Advocate General of the National Command of Union Veteran Union of the United States. He is a member of Mark Armstrong Post No. 202, G. A. R., and also a prominent member of the I. O. O. F. He was married December 25, 1867, to Frances A., daughter of Judge J. A. Beebe, his preceptor and first law partner. Five children were the fruit of this union, of whom four are living—Edgar S., Herbert S., Grace Alice and Catherine E. Mrs. Prophet is a lady of unusual ability, scholarship and attainments. The husband, wife and children constitute a happy family and occupy a prominent position in the society of Lima and the membership of the Methodist Episcopal Church.

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IRA RICHIE LONGSWORTH, Lima. Mr. Longsworth may be classed among the rising attorneys of the Ohio Bar. He was born October 2, 1859, at Van Wert, Ohio. He is a son of William N. and Olivia Richie Longsworth, the former for twenty-five years a prominent physician of Van Wert. The subject of this sketch was educated in the public schools of his native town, graduating from the high school in June, 1876, with the honors of his class. After his graduation, up to the spring of 1878 he continued private study in preparation for a collegiate education, at which time he had prepared himself to enter the Junior class at Wooster University, Wooster, Ohio. In the spring of 1878 his father, who was at that time largely engaged in the manufacture of handles for farming implements at Van Wert, erected a similar factory at Lima, Ohio, and the management of this enterprise was placed in the hands of his son, then only eighteen years old. This business was managed successfully by Mr. Longsworth, and obliged him to give up his collegiate study. In 1882 he bought the handle factory at Lima and operated it there with a good degree of success for a number of years. His connection with this business prevented him from taking a regular and systematic course of studies, but he, having determined to become a lawyer, began and kept up his reading at home with the purpose of entering the profession as soon as the opportunity offered. In 1888 his manufacturing business was moved to Anderson, Indiana (his brother L. R. Longsworth being taken in as a partner and as manager), and his active connection with its management ceased, though he still retains the controlling interest therein. Mr. Longsworth at once went into the office of Davis J. Cable, a prominent member of the Allen county, Bar, under whose direction Mr. Longsworth's previous legal reading had been done, and completed a very thorough course of study. October 2, 1889, he was admitted to the Bar by the Supreme Court at Columbus, and at once began active practice, in partnership with F. M. Dotson, under the firm name of Longsworth & Dotson. This arrangement terminated in 1891, and since that time Mr. Longsworth has been alone. His practice is a general one, and has grown with each year of his connection with the profession. He has been engaged in some very important cases, and it may also be said that in the majority of them he has been successful. He is held in universal esteem, and his standing with his colleagues in the profession is best represented in the direct language of one of the most prominent members of the Lima Bar: "No lawyer is more highly respected among the members of the Bar, and none stand higher in public esteem and general popularity. He never fails to prepare himself thoroughly, and in the presentation of a case he shows great logical force, and a keen understanding of the law bearing upon it." In politics he is strongly Republican, and takes an active interest in promoting party success. He was elected mayor of the city of Lima in 1890, for a term of two years, but has persistently declined since that time to be a candidate for any office, preferring to give his undivided energy to his law practice. He is chairman of the Republican county executive committee, and is usually one of the representatives of his party in county and State conventions. He was married December

13, 1882, to Miss Esther M. Metheany, daughter of Charles A. Metheany, a well known and wealthy citizen of Lima. In social circles both husband and wife are prominent; the latter is an accomplished musician and a fine singer; both are members of the Lima Choral Society, of which Mr. Longsworth has been the president continuously since 1890. In 1892 he was chosen president of the Young Men's Christian Association of Lima, and he is justly proud of the fine new building into which the association has recently moved; he was chairman of the building committee of the association during the erection of the new building, and is still president of the association. Mr. and Mrs. Longsworth are members of the Baptist Church, and have three children—Mary Esther, Walter I. and Helen Olivia.

ISAAC S. MOTTER, Lima. Isaac Snively Motter is a native of Williamsport, Maryland, where he was born January 19, 1852, the son of Isaac Motter, a farmer, who was a native of the same State. His mother, Mary A. Snively, whose ancestors dwelt on the banks of the beautiful river Rhine, in Germany, and came to America during the seventeenth century, was born in Pennsylvania. His primary education was obtained partly in the common schools, after which he entered Roanoke College in Virginia, from which he was graduated in 1872. In accordance with a purpose to study law, he entered upon a course of reading in the office of Colonel George Schley, at Hagerstown, Maryland, which he pursued assiduously for a term of four years. He was admitted to the Bar in 1876, and after practicing one year at Hagerstown, removed to Ohio and located in Lima in 1881, where he resumed the practice of law, first passing the required examination and receiving license to practice law in the State. Immediately there was formed a partnership with William L. Mackenzie, son of Judge Mackenzie, under the firm name of Motter & Mackenzie. The partnership continues unbroken, to the mutual advantage of the partners, and the firm has a very valuable practice, extending into the Federal as well as all the State courts. Mr. Motter is a Democrat in politics. He has served as chairman of the executive committee of the county and delegate to the various district and State conventions, numbers of times. He was elected prosecuting attorney for Allen county in 1888 and again in 1891. He prosecuted the indictment against William Goins for aiding and abetting murder. The defendant was convicted of murder in the second degree, but immediately after the jury was discharged evidence of misconduct in the jury room was discovered and the affidavits of some of the jurors were offered in evidence for the purpose of setting aside the verdict. This case was taken to the Supreme Court on error and was reversed for reasons other than the misconduct of the jury. It is reported in 46th Ohio State Reports, pages 171 and 172. Mr. Motter is a very active, energetic, painstaking lawyer, who does not shirk any duty or seek ease while there is work to do. He was married November 18, 1886, to Harriet A. Meily, a sister of the wife of Senator Calvin S. Brice, and

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daughter of the late John Meily, who was clerk of the County Court and held other responsible offices in the county for many years. He has one son, Benjamin Snively, born in 1893. Mr. Motter is a member of the Lutheran Church. His disposition to dispense charity and exercise brotherly love, finds its opportunity in membership in the Masonic fraternity and other secret orders.

LINDLEY W. MORRIS, Toledo. Judge Morris is a native of Ohio, born in Columbiana county on his father's farm near Alliance, October 16, 1853. His father, Thomas C. Morris, and his mother, Minerva J. Preston, were both of English descent and belonged to Quaker families. His father was a native of Washington county, Pennsylvania, and his mother's parents removed from Loudoun county, Virginia, to Columbiana county, Ohio, a short time before her birth. Thomas C. Morris entered the volunteer service of the Union army as second sergeant of Company B of the regiment of Benton Cadets (Fremont Guards), in 1861, and served as such until this regiment disbanded in Missouri in the fall of that year. Subsequently he re-recruited Company K of the Eightieth Regiment, Ohio Volunteer Infantry. He was appointed captain of this company, and was mustered into the service for three years at Paducah, Kentucky, where he joined his regiment March 22, 1862. He afterwards re-enlisted for service until the end of the war. He served in the western army, under Sherman and Grant, in their campaigns up to the siege of Vicksburg; thence to Tennessee through all the hard fighting which led up to and included the battle of Chickamauga. He was in the Chattanooga and Atlanta campaigns, and marched with Sherman to the sea; thence through the Carolinas to Washington. In the meantime, by successive promotions, he had received the commission of colonel and commanded the regiment in which he first served as captain. After the armies of Lee and Johnson had surrendered, and the war was practically over, he was sent with his regiment to Little Rock, Arkansas, where he remained until the fall of 1865, when after a total service of four years and four months he was mustered out. On returning home he resumed the management of his farm and his neglected business, and in the fall of 1869 was elected sheriff of Columbiana county. He was re-elected in 1871, serving in all four years. During the time that he occupied the office of sheriff his son, Lindley W. Morris, the subject of this sketch, served as his chief deputy, a service which continued during part of the succeeding administration of the shrievalty. Upon retiring from public office Thomas C. Morris returned to his farm, which he occupied until his death, in 1893. His wife died during the same year. The education of Lindley Morris was begun in the country and village schools, where he was partially prepared for college. The additional and complete preparation was made in private study during the time of his service in the sheriff's office. He entered Oberlin College in 1874, took the full classical course and was graduated in 1878, receiving the degree of Bachelor of Arts. During the time he was at college he partially defrayed his expenses

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Lindley W. Morris.

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by teaching school during the winter terms. After graduation he continued teaching for a term in Trumbull county, as principal of a normal school attended by a large number of teachers. In January, 1879, he entered upon the study of law in the office of Nichols & Firestone, at New Lisbon, where he remained one year. Upon his admission to the Bar by the Supreme Court of Ohio, in 1880, he settled in Toledo for practice. Since July of that year he has been a resident of Toledo, engaged in practice continuously, until his elevation to the Bench. He never entered into a partnership, but carried on the practice alone. His sympathies politically have always been with the Republican party, and he has been active as well as prominent in the councils of the party. In 1889 he was nominated for judge of the Common Pleas Court, but owing to an adverse majority in the district was defeated. In 1891 he was elected to the common council of Toledo and re-elected in 1893. During the last two years of membership he was president of the board. In the fall of 1893 he was elected judge of the Common Pleas Court for the First Subdivision of the Fourth District, for the term beginning October 28, 1894. Before the opening of his term as judge he resigned the office of councilman. During the two years of his service on the Bench he has given satisfaction to the lawyers and litigants generally. The conscientious discharge of the intricate and trying duties that devolve upon the judge of a *nisi prius* court has added to his popularity and reputation as a member of the Bar. He was married December 27, 1894, to Miss Fannie May Darling, a native of Hyde Park, Massachusetts, a suburb of Boston, and a daughter of Colonel Henry A. and Mary Newcomb Darling. They have one son. One of the old lawyers of Toledo who was associated with Judge Morris for several years has given to the editor a brief estimate of some of his traits, substantially as follows:

"I have always found him a very thorough lawyer. He never took a case without making himself thoroughly familiar with every detail. He always knew the strong points of his case and possessed the ability to make the most of them. He was a good advocate and very successful before a jury. At this time numbers of important references were made to him by the courts for finding of the law and the facts and for reporting the same to the court. As a rule his reports were confirmed by the courts, demonstrating his care and knowledge of the law. Since he has occupied the position of judge he has shown to the Bar that he possesses the legal training to grasp the questions that are presented, quickly and intelligently, and whether a litigant is beaten or successful the attorney always feels that 'he has had his day in court,' and that the subject-matter of investigation has been honestly and impartially dealt with. His general training well adapts him to the position he now occupies. He is a student, and gives to subjects sufficient study to arrive at correct conclusions. He knows the law."

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EMERY D. POTTER, JR., Toledo. The subject of this biography is a descendant of Puritan and Quaker lineage, as set forth in the life of his father, the Honorable Emery D. Potter, published in this volume. He was born November 27, 1844, at Willoughby, Ohio. He received his early education in the public schools of Toledo, and was graduated from the high school in 1862, taking the valedictory oration of his class. In May, 1862, he enlisted as a volunteer in the Eighty-fourth Ohio Volunteer Infantry, which formed part of General Wool's reserve, and was stationed at Cumberland, Maryland. The duties of the regiment were the patrol of the Potomac, the protection of government supplies and picket duty. Upon serving out his term of enlistment he entered the Law School of the University of Michigan, at Ann Arbor, and remained there until he was graduated, in 1864. At this time he further prepared himself for the practice of law by entering the office of William Baker and Judge William A. Collins, of Toledo, and supplemented this by continuing his studies in the office of Morrison R. Waite, afterwards Chief Justice of the United States Supreme Court, and Richard Waite. In 1866 he was admitted to the Bar at Columbus, after examination by a committee composed of Allen G. Thurman, Hocking Hunter and L. G. Critchfield. He remained with M. R. & R. Waite until the spring of 1867, when, on the invitation of George R. Haynes, he took a desk in his office and commenced the practice of law. The same year he was appointed assistant prosecuting attorney, and held the office until 1869. He continued to practice alone until 1873, when he entered into a law partnership with Mr. George R. Haynes, which was only dissolved by the election of Mr. Haynes as judge of the Circuit Court, in 1884. He again carried on practice alone until January, 1895, when was formed the present existing partnership with Mr. Thomas Emery. In politics he has been a life-long Democrat, and although never a very active partisan, he has always held himself at the service of that party, and at whatever sacrifice might be necessary, he has always undertaken his full share of the duties involved in party fealty. He was a delegate to the Democratic convention in Cincinnati in 1880, which nominated General Hancock for the Presidency. Mr. Potter has a very extensive general law practice, and in addition he is attorney in the State of Ohio for the Michigan Central Railroad Company, which responsible position he has held for sixteen years. The Lake Shore and Michigan Southern Railway also availed itself of his services for more than twelve years as local attorney for this jurisdiction, which includes the counties of Lucas, Fulton and Williams. In the profession he takes high rank as a student, deeply versed in the principles of the law, and as a safe and sagacious counsellor. In the conduct of a case in court he is impressive, earnest and convincing; his pleadings are always carefully prepared and are sure to cover the most minute details. Nothing is overlooked or forgotten. Care and prudence are exhibited in the preparation of his cases; firmness, courage and a profound conviction of the absolute justice of his case are clearly evidenced in its presentation to the court and jury. He was one of the most prominent figures in the great legal battle that was waged to definitely decide the rights of street car corporations in cities of

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Ohio, which was recently carried from Toledo through all the courts of the State, and was ultimately decided in favor of the side upon which he was engaged. As a citizen he enjoys the good will, respect and esteem of every one, and is exceedingly popular with both Bench and Bar. September 23, 1868, he was married to Miss Caroline Cheney, of Toledo. They have three children, two sons and one daughter: Paul, Rollin D. and Mary L.

HARRY E. KING, Toledo. H. E. King was born near Cumberland, Allegheny county, Maryland, May 12, 1857. He is descended from a historic Virginia family, his grandfather, Alexander King, having been a member of an early legislature in that State, and in those days exercised great influence in its politics and government. The father of the subject of this sketch, Captain Alexander King, made his home in the State of Maryland from the time he was twenty-one years of age, where he married Lavinia McAllister Collins, who was also from the State of Virginia. His sturdy integrity and independence of character were soon recognized in his new surroundings and brought their owner into considerable popularity. He was captain of the local military company, and at one time judge of the Probate Court. During the greater part of his life he was engaged in mercantile business, but passed his later years on his farm in Allegheny county. At the outbreak of the war his sympathies were enlisted upon the Federal side and he strongly espoused the Union cause. Harry E. King commenced his education in the public schools of Maryland, which was followed by a course in the State Normal School at Millersville, Pennsylvania, Fort Edward, New York, Collegiate Institute and Eastman's National Business College at Poughkeepsie, New York, completing his studies in the Law Department of the University of Michigan, at Ann Arbor. He had entertained a well defined predilection for the law from his youth, combined with a settled determination to adopt that profession. As a preparation his entire training and study had been carefully directed to acquiring a thoroughly practical knowledge of men and affairs, in addition to the principles, practice and knowledge of the authorities of the law. When he was about sixteen years of age his father died and he was left almost entirely dependent upon his own efforts. With the hardy determination and courage derived from his Scotch-Irish ancestry, adverse circumstances served only to strengthen his character, and develop and mature the self-reliant principles of his nature. Upon leaving the University of Michigan in March, 1882, he settled in Toledo, and at once began to read law in the office of Swayne, Swayne & Hayes. He was admitted to the Bar of Ohio in the early part of 1883, becoming a member of this firm in 1885 and continuing as such until April, 1892. At that time he withdrew and formed the existing law partnership with Thomas H. Tracy, under the firm name of King & Tracy. They have an extensive general practice and are the attorneys for a large number of important corporations and mercantile firms. On June 12,

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five children. His primary education was received in the schools of Wayne county, and he was a student in Smithville Academy from 1876 to 1879. In 1880 he entered the University of Wooster, whose curriculum in the classical course he completed and from which he was graduated in 1882, as the salutatorian of his class. During the period of his attendance at the academy and the university he employed the intervals in teaching. While in Wooster he was an instructor of the undergraduates in several branches, and after graduation he was superintendent of a summer term of the university. He received the degree of Bachelor of Arts in course, and three years later the Master's degree was conferred by his Alma Mater. His first employment after graduation was as superintendent of the public schools at Seville, Ohio, and during that time he obtained from the board of State examiners a life certificate to teach in the State. He had marked out for himself, however, a different course, and in 1884 entered the Law Department and school of Political Science of the University of Michigan. Prosecuting the course of science and law simultaneously, he was graduated from the university in 1886 with the degree of Bachelor of Laws, having also nearly completed the course for the degree of Doctor of Philosophy. He was still further honored in being chosen the orator of his class, numbering one hundred and thirty members. In June, 1885, while attending the university, he was admitted to the Bar in Michigan. Immediately after the completion of his course he removed to Toledo and settled down to the practice of law, after his admission to the Bar of Ohio. His examination before the commission appointed by the Supreme Court of Ohio was perfect in all branches, which was a distinction never attained by any other applicant for a license to practice law in Ohio. The records of the Supreme Court perpetuate this honor, in the report prepared by the examining committee October 7, 1886, from which the following is quoted: "The committee desire to make especial mention of the examination of Mr. Isaac N. Huntsberger, whose answers to the questions propounded evinced such thought and accurate knowledge of the law that the committee unanimously concurred in marking him perfect on both papers. The committee make this mention, not only in justice to him, but also in the hope of encouraging others." It is respectfully submitted and signed by A. W. Jones, Arnold Green, S. F. Steel, George B. Okey, W. O. Henderson and W. F. Porter. The clerk of the Supreme Court, J. W. Cruikshank, certifies to the correctness of the foregoing quotation from original papers on file in his office. The Supreme Court declared that to be the first instance of perfection in examination and the first of which especial mention was made in the committee's report. Mr. Huntsberger received the congratulations of all present, from the governor down. It is the custom nowadays to place all the stress upon the importance and consequence of individual character, affecting to disregard the potency of ancestry in the formation of character. This custom is not justified. It is no depreciation of a man's individuality to be fortified by a lineage of which he may be proud. On the contrary, an honorable lineage serves as a stimulus, in this country, to higher achieve-

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ments by the individual. Mr. Huntsberger's great-grandfather, John Shriver, emigrated from Germany and took part in the Revolution. His great-grandmother was May Hendricks, a member of the same family to which the late Vice-President Thomas A. Hendricks, of Indiana, belonged. At the time of his admission to the Bar he declined the assistant professorship of mathematics in Wooster University, which was tendered. Soon afterwards he accepted the professorship of medical jurisprudence in the Northwestern Ohio College of Medicine, at Toledo, which he held four years and then resigned on account of the pressing demands of his increasing law business. In March, 1887, he formed a partnership with Charles S. Ashley, son of the late Governor James M. Ashley, under the style of Huntsberger & Ashley, and soon afterwards the firm became general counsel of the Toledo, Ann Arbor and North Michigan Railroad. This position was retained until October, 1891, and then resigned by Mr. Huntsberger, to enable him to devote his entire time to general practice (his partnership with Mr. Ashley having already been dissolved). He has succeeded in building up a lucrative business. His only specialty is admiralty practice, to which he has given very marked attention and careful study. He has acquired almost exclusive control of local admiralty litigation, as no other member of the Toledo bar has devoted himself with such persistency to the mastery of the laws and decisions affecting lake navigation and commerce. Mr. Huntsberger's reputation for scholarship clings to him. In 1891 he was elected a member of the board of education of Toledo and in 1892 he was chosen a director and trustee of the Toledo University, of which the manual training school is a department. He has been a director of the Young Men's Christian Association and president of the Lucas county Bible society for several years. In September, 1895, he received the offer of a professorship in the Law Department of the University of Michigan at a salary of $2,500. The offer, which was wholly unsolicited and without his knowledge, he was obliged to decline because its acceptance would require the sacrifice of his lucrative practice in Toledo and the abandonment of his beautiful new home, for which the salary and a residence in Ann Arbor afforded inadequate compensation. Nevertheless the tender was a high compliment to his ability and learning. Mr. Huntsberger has always been identified with the Republican party and has given it active support in council and campaign, when such service did not interfere with professional business. He was especially interested and active in the recent campaign resulting in the election of President McKinley. He gives much time to church work in its organized societies, especially the Epworth League. He is a fine parliamentarian and is referred to as an authority on parliamentary laws governing deliberative bodies. He was married March 9, 1884, to Miss Lizzie J. Snyder, daughter of Christian Snyder, of New Philadelphia. They have four living children, two sons and two daughters, named respectively John Paul, Karl E., Maude E. and Ruth I. Huntsberger. Isaac N. Huntsberger has relied mainly on his own efforts for support since he was thirteen years of age. His father died about that time, leaving to him almost no estate, but a valuable inheritance of pluck, versatility, industry and perse-

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verance, with a hereditary tendency toward those things that are honest and right. He kept himself constantly employed, shifting from one thing to another under stress of circumstances, but mainly as a school teacher and book canvasser, until his education was completed. He was a student from early boyhood and gifted with a genius for work. Thoroughness has been characteristic of his attainments in science, literature and law. In the retention and practical use of his acquirements he has been wonderfully aided by a strong, well-trained memory. The report of his examination before the Supreme Court gave him a standing at the Bar and brought engagements from other lawyers, and his subsequent career has justified the unique record there made. A well-known Toledo judge, responding to an inquiry, says of Mr. Huntsberger: "His moral character is high, his ability as a lawyer, either as a trial lawyer or counsel, is in the first class. He is financially responsible, is an excellent scholar and an all round lawyer."

LINN W. HULL, Sandusky. Honorable Linn W. Hull, judge of the Court of Common Pleas at Sandusky, was born on a farm in Perkins township, Erie county, near Sandusky, on the 9th day of April, 1856. His father, John L. Hull, was a farmer and a native of Pennsylvania. He came to Ohio in 1825, when three years old, and settled in Erie county, where he became prominent and held many offices of trust. He was county commissioner for two terms. The Hulls are of English ancestry. The first members of the family to emigrate from the mother country settled in New Jersey and afterwards removed to Pennsylvania. His mother, Angeline Walker, was born in New York State and came to Sandusky, Ohio, with her parents, in 1819. She is of Irish extraction and is still living, in the eightieth year of her age. Young Hull, when old enough, was sent to the country district schools and the public schools of Sandusky, then to the preparatory department at Oberlin and Oberlin College. Later he was a student at Union College, New York, and in 1879 entered Cornell University, where he remained a little over one year. In October, 1881, he entered the Cincinnati Law School, from which he was graduated in 1883. Returning to Sandusky, he was admitted to the Bar and commenced the practice of law alone and continued that way until 1886, when he formed a partnership with Homer Goodwin, now deceased, and L. H. Goodwin. The style of the firm was Goodwin, Goodwin & Hull. This partnership continued until 1892, when the firm was dissolved and he then formed a partnership with Edmund B. King, under the firm name and style of King & Hull. The relation was maintained until February, 1895, and until Mr. King took his seat on the Bench, pursuant to his election in the fall of 1894, as judge of the Sixth Circuit of Ohio. Mr. Hull then practiced alone until February of the following year, when he formed a copartnership with W. E. Guerin, Jr., under the firm name of Hull & Guerin, which continued until he took his seat on the Common Pleas Bench, on the 9th of February, 1897, to which he had been

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elected in the fall of 1896. As a practitioner few men have attained greater distinction at the Sandusky Bar. Commencing almost immediately after his admission to practice and continuing up to the time of taking his seat on the Bench, he enjoyed a large litigated business. He was engaged on many important cases and always displayed marked ability in the trial of a cause. Judge Hull is a man of strong will, honest purpose and great determination. He is favored by nature with the instinctive sense of fairness and the just mental equipoise which always insists upon an impartial hearing and an unbiased judgment. The assemblage and adjustment of his faculties constitute a legal mind and he has the acquirements of a capable, successful lawyer. His work on the Bench has thus far been most acceptable to the Bar. Judge Hull was a member of the Board of Education of Sandusky for two terms. He is a Republican and has always been active in the councils of the party. He has been many times chairman of the Republican executive committee of Erie county. He was a delegate from the Thirteenth Congressional District to the Republican National Convention in 1896, which met in St. Louis and nominated Mr. McKinley. In 1883 Judge Hull married Emily M. Hall, of Cincinnati, and by this union there are three daughters. Mrs. Hull died in August, 1887.

STEPHEN A. COURT, Sandusky. Stephen Arthur Court was born at Marion, Ohio, on the 11th day of May, 1855. His father, Joseph Court, is a farmer, and came to Ohio in 1821, from Virginia, where he was born, and settled in Marion county, where he has since resided. He has always been prominent in affairs and has held many offices of trust in his adopted county and city. His ancestors were German, and settled in Virginia in the latter part of the seventeenth century. The mother of S. A. Court, Maria Sherman, was a native of Vermont, and came to Ohio in 1828. She was a direct descendant of Roger Sherman. Young Court's early education was in the public schools of his native city. In 1873 he entered Northwestern University at Ada, Ohio, for the completion of his scholastic education. Having at this time fully determined to make the law his profession, he also commenced the study of law with C. H. Norris (now one of the circuit judges) as his instructor. So he pursued both his collegiate and legal education simultaneously, teaching school during the vacations. On the 12th of May, 1876, he was admitted to the Bar, and on the 17th of June following, he took his degree as Bachelor of Arts. In the summer of the same year he began the practice of law alone, and four years later formed his first partnership, with G. D. Copeland, the firm being Court & Copeland. This firm continued until 1892. It was dissolved upon Mr. Court's removal to Sandusky, and since that time he has practiced alone. He enjoys a large general practice, almost entirely in litigated cases. He has the greater part of the criminal practice in Erie county. He is a lawyer of ability and devotes great care to the preparation of his cases; is conscientious in the discharge of every duty. He is a fluent speaker and presents a case to

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The contractor building the Engineering Building at Chicago

Stephen R. Harris

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the court and jury with much force and clearness. Mr. Court was for two terms of three years each city solicitor for the city of Marion. In politics he is an ardent Democrat, always consistent in the support and advocacy of the principles of his party. Since locating in Sandusky he has refused all offers to take office, preferring to devote himself to the practice of law. Mr. Court is a member of the order of Knights of Pythias, and was in 1887 and 1889 Grand Chancellor of the State of Ohio, and from 1889 to 1893 was the Grand Secretary of the Order in Ohio. In 1877 he married Olive Inskeep, of Delaware, Ohio, who died in 1887. By this union there is a son living. In 1889 he married Mrs. Mazie Day, of Marion. By this marriage there are no children.

STEPHEN R. HARRIS, Bucyrus. Honorable Stephen R. Harris, who was born on his father's farm seven miles west of Massillon, Ohio, May 22, 1824, sprang from patriotic stock. His grandfather was John Harris and his paternal grandmother Mary Hamilton. The former was a soldier in the army of Washington and distinguished himself at the battle of Monmouth, where his brother-in-law, John Hamilton, was killed beside him. The subject of this biography worked on the farm and attended district school until fourteen years of age, when he started out for himself. He was employed as clerk in a store at Canal Fulton, Stark county, about four years, attended a select school at Dalton, taught by John W. Rankin (afterwards a distinguished lawyer and a partner at Keokuk, Iowa, of the late Justice Miller, of the United States Supreme Court). In 1842 he was a student in the preparatory department of Washington College, Pennsylvania, which institution recently conferred upon him the honorary degree of A. M. In 1843 and 1844 he studied in Norwalk Seminary, under the late Edward Thompson, bishop of the Methodist Episcopal Church. For the next two years he was a student in the classical department of Western Reserve College at Hudson. In the winter of 1846–7 he taught a school at Canal Fulton. Having by this time acquired a liberal education through his own unaided and persistent efforts, he entered upon the study of law in the office of his uncle, John Harris, a pioneer lawyer of ability, at Canton. After reading under instruction for two years he was admitted to the Bar in the spring of 1849, and on the 14th day of June in that year opened an office for practice at Bucyrus. From that time to the present, almost half a century, he has continued in practice at the same place. He became the law partner of the late Judge Josiah Scott in 1850, and the partnership was continuous until the death of the latter in 1879, except for the period of Judge Scott's service on the State Supreme Bench. Mr. Harris served as deputy United States marshal and member of the county military committee during the war. He was elected in 1894 to represent his district, which had been strongly Democratic, in the Fifty-fourth Congress of the United States, and was the candidate of his party for re-election in 1896; but the free silver sentiment and fusion of the Populists were sufficiently strong

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to defeat the ticket. Mr. Harris has been a Republican ever since the organization of the party, and prior to that was a Whig. He has, however, given his chief thought and nearly all his time to the duties of his profession, and has for years stood in the forefront of practitioners in Crawford county. His reading is deep and broad; he is successful in the trial of cases, and remarkably successful in the argument of cases before the Supreme Court. It has become proverbial in the Bar where he is well known that if Mr. Harris has the slightest ground for appeal on error to the higher courts his adversary may as well give up at once, because he nearly always wins in the Appellate Court. He holds the esteem of his brethren at the Bar and the confidence of courts. His methods are such as commend themselves to the best and most respected members of the profession. He also stands well in the highest political circles, and his personal popularity rests upon merit. He was married September 15, 1853, to Miss Mary Jane Monett, who died in 1888, leaving two sons and two daughters, offspring of the union. He has been very successful as a financier, and as a result is a man of large possessions. He is quite an extended landed proprietor in the States of Ohio and Iowa. As an amateur sportsman he is a frequent contributor to the *Turf, Field and Farm* and *Forest and Stream*. Now over seventy-three years of age, he is an excellent shot on the wing, either in the open or from the trap. Mr. Harris was one of the original members of the State Bar Association, and has been an active member from the beginning, serving as president of the association in 1894. He is now chairman of the committee on legal biography. As a public speaker, he is clear, logical and convincing, rather than eloquent. He entertains decided views on all questions of political importance or popular interest. A brief extract from his address as president of the State Bar Association to the members thereof will serve to disclose his views, tersely expressed on some practical questions:

"The Ohio State Bar Association had its origin in the long felt want of legal reform. It has already borne fruit in elevating the standard of qualifications for admission to the Bar. It has prompted a more vigorous examination of applicants under the immediate supervision of the Supreme Court, and especially did it influence the recent act of our legislature requiring three years previous study before admission to the Bar. Another important object was, to relieve the Supreme Court from their overcrowded docket, and to secure in our highest court a more speedy decision of important causes, involving, as they often do, large amounts and great property interests which, lingering and undecided, entail disaster and ruin on litigants. A Constitutional convention met in the years 1873 and 1874. After spending much time and great sums of money, the fruits of their labor were deemed to be inadequate to the wants of the people, who were attached to the Constitution of 1851, and the proposed new Constitution of Ohio was rejected at the polls. The Bar of Ohio, appreciating the want of improved and enlarged judicial tribunals, first organized this association, and next set to work zealously and at their own expense to facilitate the prompt administration of justice. The Circuit Court is one of the offsprings of the Ohio State Bar Association. The legislature acted upon it as it came from our hands, and the people ratified it at the polls. While it is true the Supreme Court is still overcrowded with busi-

ness, yet it is also true that the increased business, commercial, manufacturing, railroad, navigation, mining and other industries, have increased the litigation in our courts. The Supreme Court would evidently be in a worse condition than at present but for the large volume of business that has been finally terminated in the Circuit Court. Law is becoming more of an exact science. We have a greater number of elementary books and reports of adjudicated cases than in times past; and here I will volunteer some advice to the younger members of the Bar, especially to those who, like myself, practice in the country towns, where they do not have access to public law libraries. Do not invest your earnings or your capital in reports beyond that of your own State, and perhaps the reports of the United States Supreme Court. Rather make use of elementary works and text-books of the latest editions; you there find the views of the author and his careful collection of all the reported cases on the subject of your study. With a library of that kind, costing a few hundred dollars, a lawyer derives more ready and practical advantage than from a library of reports that will cost thousands. Formerly lawyers had to argue elementary principles and apply them to the various and complicated phases of business under new and constantly developing branches of trade and commercial relations of men. Now we have either the authority of able law writers or the adjudications of the higher courts for the ready solution of nearly every question that can arise. By the aid of the official stenographer all the evidence and the rulings of the court can be preserved, and with a bill of exceptions or separate findings by the court, of the facts and conclusions of law, causes may be reviewed and errors corrected in the higher courts. It is a matter within the observation and experience of our profession that sometimes in a trial a radical difference will spring up between the attorneys and the court as to the law of the case, in which the court has the best of the lawyer for the time being. The lawyer, however, having made a long, deep and careful study of his case, still maintains an earnest faith in his position, only to find himself stricken down by the trial court. He takes his case on error to the Supreme Court and secures the reversal of the judgment below; feels himself vindicated, and takes pride in himself and his chosen profession, to which he has conscientiously devoted every energy of his life. In the long years of my own practice I have observed with satisfaction the facilities that have been gradually afforded for the review of cases and the correction of errors by the higher courts. Some objections have been made to the continuance of the Circuit Court. We are sensitive to such remark because the Circuit Court is one of the fruits of the Ohio State Bar Association. The Circuit Court has, on the whole, been beneficial in the judicature of our State, and it is not likely to be abolished. One of the long needed legal reforms in Ohio has been the improvement of our jury system. It is a fact well known that proper care was not always observed in the selection of jurors with respect to their mental and moral qualifications. They have been hastily and inconsiderately selected by the township trustees at the end of election days, as though it were merely a formal matter and of little consequence. The result has been that a lawyer of ability, when he addressed a jury in his best vein, felt that he was shooting over their heads, and when he came down to their capacity he felt that he was engaged in undignified business. 'A plausible, insignificant word in the mouth of an expert demagogue is a dangerous and dreadful weapon,' in which a dignified lawyer takes no delight. For years the juries in the Federal Courts were far the superiors of the average juries in our County Courts, as every lawyer of experience in both tribunals knows. I have given this subject much thought, and prepared some practical suggestions looking toward reform, when much to my delight, and no doubt to the gratification of the profession

generally, an act of the legislature, passed on the 23rd day of April, 1894, provided for the appointment of a non-partisan jury commission of four suitable persons in each county, whose duty it is to select jurors for the ensuing year. Much may be expected from the improved jury system in the future. It is gratifying also to state that the measure was introduced in the House of Representatives by Honorable Curtis E. McBride, of Mansfield, an active and honored member of our association. After passing the House the bill was concurred in by the Senate without a dissenting vote. * * * *

"Another topic I approach with diffidence, for the reason that no expression has been uttered on the subject by our association. What the views of our members here assembled may be, is unknown to me, but I cannot refrain from expressing my own feelings and convictions, whether they be acceptable to this association or not. I allude to the growing state of anarchy to which our beloved Republic is rapidly drifting under the unchecked growth of communism, which takes the specious form and name of so-called strikes. Thousands upon thousands of laborers have had ample employment with good living wages on the railroads, in the mines and manufacturing establishments of our country. On the other hand there are triple the number of honest laborers in miscellaneous pursuits, uncertain in their nature, liable to fluctuate in wages and of uncertain duration, such as the common day laborer. The latter class may well envy the miner, the railroader and the factory hand. They would gladly change places for the same wages, but what state of things confronts them? They are met and repulsed by strikers who voluntarily go out themselves and refuse to permit other laborers to take their places. Here we see the work of seditious demagogues with political aspirations and a burning desire for notoriety. With incendiary eloquence they seek to embitter labor against capital, when they well know that labor and capital are mutually dependent on each other. They tell the laborers, who are strongest numerically, that they are abused and oppressed by their employers, at times when the laborers are well compensated and contented. They incite discontent and resentments where none existed before. They arouse the dormant passions and cupidity of the laborer. They frame and formulate organizations and societies for them, and incite them to strike down and ruin their benefactors. They dupe their followers with the doctrine that capitalists and corporations are powerful and oppressive, but fail to tell the other truth that a host of hostile and unreasonable laborers are also oppressive and dangerous. The result is that they have prevented the running of railroad trains, they have tied the hands of property owners, they have closed factories, and they have shut up coal mines on which private families, factories, railroads and steamers on our navigable waters, depend for fuel. They have impeded the carrying of mails and have inflicted untold injury either directly or indirectly upon every business pursuit. For the vacant position of every striker there are three equally honest laborers with families in need of their earnings, who are ready and willing to go to work, but the horde of strikers, under the instructions of designing leaders, sullenly and forcibly repulse every non-union laborer who ventures to start the train, to open the mine, or set the idle machinery running in the factory, and that to the extent of assassination if necessary to carry the point. There can be a tyranny of labor as well as a tyranny of capital. Suppose a change of places. Imagine an employer who would discharge a laborer and at the same time say to him, 'I will neither give you employment nor permit you to work for anybody else.' The same designing and insidious leader who first inaugurated a strike would be ready to turn round and incite the rich against the poor, if he could thereby obtain political power and notoriety. A demagogue in a republic and a courtier in a mon-

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archy are the same. They both fawn and flatter the governing power for the sake of personal gain and notoriety. The designing orator and demagogue who incites a happy and contented class of well paid laborers, as well as the poor who are out of employment, to mutiny against their employers and benefactors; who makes inflammatory speeches to convince them that the rich have no other design than to crush the poor, and that the poor have no higher mission than to ruin the rich, deserves to be classed with the bloody anarchist, and should like him be stamped out by the government for its own protection. * * * * The legislature of Ohio has enacted laws peculiarly beneficial to the laboring classes. It protects wages against the homestead and other exemptions of the debtor. It gives them priority over all others in case of their employers' failure. It gives them mechanics' and workmen's liens on structures of all kinds, and our courts construe all those laws liberally in the interest of the mechanics and laborers whose work is in the structures. I would go farther; I would have our legislature and our courts protect the honest laborer, who is seeking employment, finds a vacant place with an employer ready and willing to set him to work, but finds himself met, halted and threatened, not by the owner of the property, but by a striker who has vacated the position, stopped the business, depreciated the property of his former employer, and now forbids a fellow citizen to work when his services are needed and the wages offered are satisfactory. It becomes at this point an issue, not between employer and employee, but it is the oppression of one class of laborers against another class. It is the tyranny of those who abandoned their work and deprive other worthy and needy laborers of employment. It presents the spectacle of an unreasonable and tyrannical class of laborers arrayed against another and less favored class seeking employment. Personally, I am not interested in the conflict between the strikers and their employers. I allude to it without personal feeling for either class. In fact, I have a friendly feeling for the laboring man. I have been there myself. The first money I ever earned for myself was by chopping wood for forty cents a cord. I have a sympathy with the laboring man and especially for one who is out of employment and kept out by another. I have no especial affection for an unreasonable capitalist. * * * * The state of our feelings, however, has little to do with the subject under consideration. It is a question of vital principle and must be met. The Constitution of our own State, as well as the Federal Constitution, is broad enough to support appropriate legislation to remedy these evils; to practically afford equal and exact protection to the poor against the rich; to protect the property of the rich against mob violence; and, what appears to be more needed at the present time, to afford protection to one class of laborers against the tyranny of another class.

"In all the political history of our country, when emergencies have arisen, lawyers were depended on to guide legislation, to frame treaties, and to draft acts of legislatures, so they might be in conformity to law. De Tocqueville, that accurate and sagacious observer of our country, as early as 1835, wrote these remarkable words: 'I cannot believe that a republic could subsist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people.' Thirty of the fifty-five members of the convention which framed the Federal Constitution were lawyers, and all of those who put it in proper legal shape were lawyers. Of all the United States senators since 1787, two-thirds have been lawyers, and of the entire number of Representatives more than one-half were lawyers. While it is true that men of other vocations have been useful and perhaps indispensable as legislators, because of their knowledge and experience in the various wants,

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industries and business interests of the country, yet upon the lawyers rested and still rests the responsibility of framing laws to meet and protect those wants and business interests, that they may stand when contested in the courts. A lawyer devoted to his profession has little other thought than to study his cases in the interest of his clients. He seldom stops to reflect upon his calling or to view it from an outside standpoint. A Bar association with its periodical meetings has a beneficial tendency to relax his labors for the time being and to afford him an opportunity to exchange views with his fellow members of the legal profession, when they are met together socially and not in the heat of litigation at the Bar. Upon the lawyer rests the responsibility of managing and directing the highest and most important business interests, the rights of person, the rights of property including in many instances the domestic relations. When I speak of lawyers I have no reference to that small class who have crept into our profession, who grovel in the dregs of dishonorable practice, the shysters—a set of turkey buzzards whose touch is pollution and whose breath is pestilence. To such a class drifts dishonest litigation. If a man has a crooked case he naturally hunts a crooked lawyer to manage it. I desire, on the contrary, to bring my tribute to the higher class of our profession. I mean the honorable, conscientious lawyer, who has many important privileges conferred upon him, and who in turn has many important duties to perform. He acts with fidelity to his client and with courtesy to the court, gives all the light and aid he can to honorably advance the interests of his client. He discourages useless and discreditable litigation. He investigates his client's cause and promptly tells him, if it be true that he cannot defend or recover as the case may be, and advises a settlement or compromise. While such a lawyer may forego a fee for the time being, he will build up a reputation for honesty that will ultimately flood him with business of a meritorious character in which he himself will have confidence. On such a lawyer will the business man rely when complications arise and his property is in jeopardy. To him will the testator in contemplation of death, send to write his last will and testament. On him will the widow and orphan depend when designing men seek to deprive them of their patrimony, and the lawyer who would prove false to such a trust and himself become the robber, deserves to be expelled from the Bar in his lifetime and after his death go where the worm dieth not and the fire is not quenched — and that too without any obituary notice by our committee on legal biography. Everything a lawyer acquires in the practice of his profession he deserves, because he has earned it. Every step that he makes is in the face of tenacious opposition. His progress is contested inch by inch. His life is one of mental conflict. The other learned professions in the acquisitions of which the student burns the midnight oil in school or college, are not so. The pastor's sermon is an *ex parte* production. The physician prescribes to his patient in secret and without opposition. If he makes a mistake the world is none the wiser, but when the lawyer takes a false position or makes a mistake it is in the glare of the light. He is detected and exposed in public and suffers humiliation and perhaps defeat.

"In conclusion, my friends, I propose to you this sentiment: 'There is no more exalted human character than the man of our profession who has rounded up a life of industry as an honest and successful lawyer.'"

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THOMAS BEER, Bucyrus. Honorable Thomas Beer, late judge of the Circuit Court, was born in Wayne county, Ohio, in 1832. His ancestors were of Norman, Scotch and Dutch extraction. He was educated in the primitive log school house common in that part of Ohio sixty-five years ago. At the age of fifteen he was qualified to teach a district school and did engage in teaching for a few terms in winter. He read law in Coshocton, but did not immediately take up the practice. He was editor of a newspaper from 1858 to 1862. In the year 1860 he settled in Bucyrus, which has since been his home. In 1863 he was elected representative of Crawford county in the Ohio legislature and was re-elected two years later, serving as a member of that body from 1864 to 1868. During the period from 1862 to 1874 Mr. Beer engaged in the practice of law and built up a profitable business, establishing for himself a reputation for integrity and legal ability. In 1873 he was elected a member of the Constitutional convention presided over by Morrison R. Waite, afterwards Chief Justice of the United States Supreme Court, and by Rufus King. He was appointed judge of the Common Pleas Court in 1874 by the governor, and was elected his own successor and re-elected five years later, occupying the Bench of that court continuously for eleven years. While still serving on the Bench of the Common Pleas he was elected judge of the Circuit Court in 1884 for the term beginning in February next following, and occupied the Circuit Bench for eight years, until February, 1893. Since he retired from the judicial office Judge Beer has been engaged in the practice of his profession. In 1892 he was a candidate on the Democratic ticket for judge of the Supreme Court, but was defeated with the ticket by a narrow margin. He is quite active in support of his political party and popular with the opposition. Both as a practitioner at the Bar and a judge on the Bench Judge Beer has exhibited much learning in the law and high regard for the obligations and duties appertaining to the profession. He has esteemed the organized court as the best human agency for securing individual rights, the protection of society and justice between man and man. His record on the Bench was admirable, evincing at once deep knowledge of the law, inflexible integrity, an accurate sense of equity, and impartiality which "knows nothing of the parties but their names on the docket," and perennial good temper. He has always preserved the habits of a student and hence has become thoroughly versed in the law. His standing at the Bar as a practitioner is very high and he enjoys to the fullest degree the confidence and esteem of his fellow practitioners as well as the courts. During a service of nearly twenty years on the Bench he maintained an irreproachable character and at the same time rendered decisions which generally withstood the scrutiny of the Supreme Court. He was accustomed to listen with no manifestation of impatience to arguments of counsel, never seeking to anticipate them by an inopportune display of knowledge. Appreciating the dignity of the judicial office, he at the same time respected the rights and privileges of the Bar; so that his court was a model of decorum and his intercourse with lawyers always marked by a due courtesy. It is a recognized fact that tendencies and idiosyncrasies are trans-

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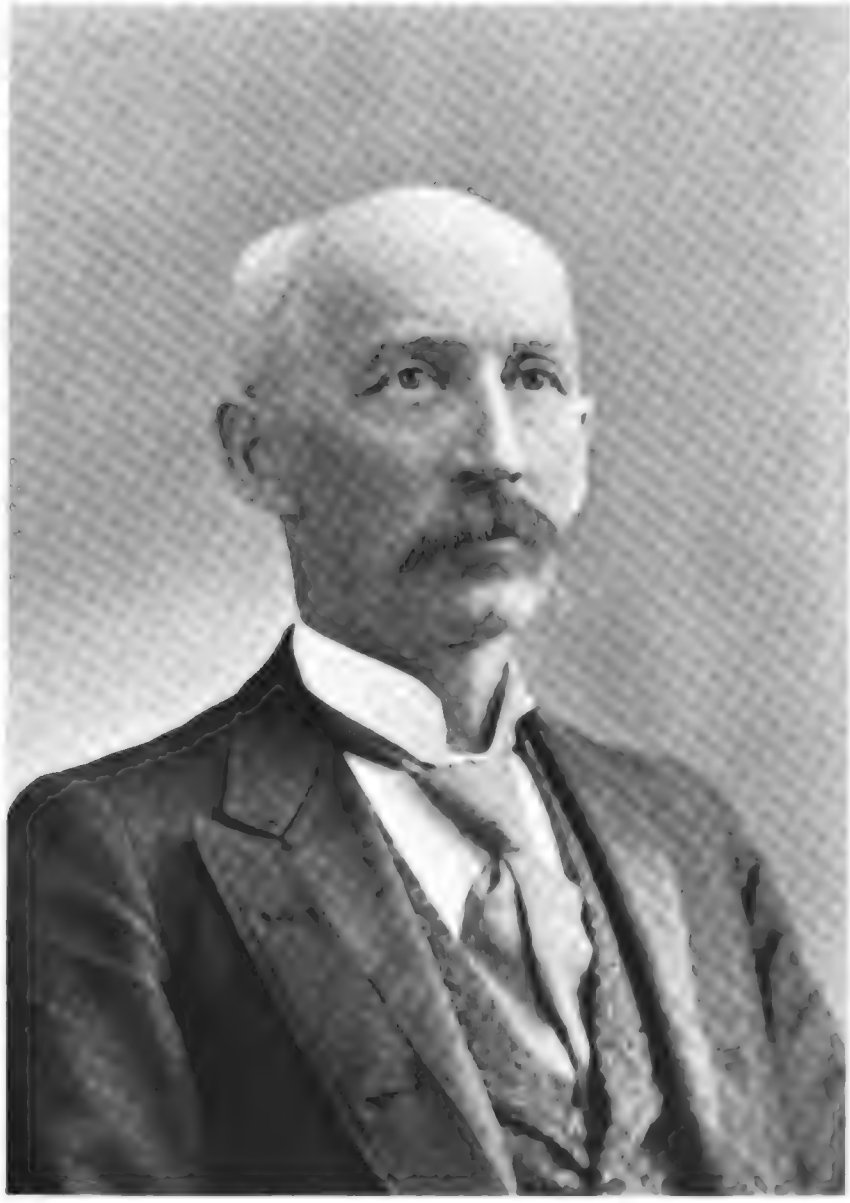

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tion during the remainder of the term as to be re-nominated and re-elected in the fall of 1893 for a full term. He was re-elected again in the fall of 1896 for a second full term. The announcement of his candidacy on the Republican ticket suggests his politics. He has been an earnest supporter of that party ever since he became old enough to distinguish the difference between the principles advocated by the two leading parties. The only office held by him is the office of judge, which he now occupies. Since Judge Ham assumed the duties of Probate Judge of Fulton county he has practically revolutionized the system of keeping papers and records in the office, by inaugurating method where confusion existed. He found great difficulty at first in ascertaining the condition of estates from the records and papers. In many cases papers belonging to the same estate were scattered and placed in different receptacles without regard to arrangement or convenience. His sense of order made him conscious at once that a system was absolutely necessary to the orderly conduct of the office. He therefore prepared indices and arranged all of the papers belonging to an estate, placing them in a single packet and these packages in appropriately numbered boxes, to which the index was a ready reference. Prior to the election of Judge Ham there was a popular prejudice against placing an attorney in the Probate office, as it was generally regarded the plum of a layman. There was an impression that litigation would be augmented by having a lawyer in the office. Experience, however, has proved the contrary to be true. Judge Ham's legal knowledge enables him to pass upon the law governing settlements with as much carefulness and satisfaction as could be done by the judge of another court. He has demonstrated to the satisfaction of the public his capacity and special fitness to discharge the duties of the office. He was married in January, 1869, to Miss Charlotte A. Scudder, a native of Wayne county, Pennsylvania, and daughter of Isaiah and Margaret Hadsel Scudder, natives of New York, who had previously removed to Pennsylvania. Their family consists of four children: Thomas J., a pharmacist, at Toledo, Ohio; Frank Scudder, an attorney at law; Harold Hadsel, a student; and Mary Alice, the only daughter.

HENRY H. HAM, Wauseon, was born at Honesdale, Pennsylvania, August 25, 1845, the son of John C. and Mary A. Keyes Ham. He was educated at Wyoming Seminary, Luzerne county, Pennsylvania, and studied law in the office of S. E. & W. H. Dimmick, prominent and able attorneys of Honesdale. He was admitted to the Bar in 1869 and came to Wauseon the following year with his brother. The two practiced law together and built up a profitable business in Fulton county. He was elected prosecuting attorney for the county after a residence of less than eight years at Wauseon, and served five terms. In 1879 he returned to Pennsylvania and married Miss Kate E. Barnes, daughter of Erastus Barnes, a well known citizen of Warren county, in that State. Their family consists of one child, a daughter. Mr. H. H. Ham has not only made his reputation as an able and successful lawyer, but also as a business

man. He is connected with and has been the moving spirit of important business enterprises, which he has aided financially and by his personal influence and co-operation. He has manifested a liberal public spirit, which is recognized as essential to the progress and prosperity of any community. He has been the trial lawyer of the firm in most of the cases, and has proven himself capable in the management of litigation. Having no love for technicalities, he goes boldly to the merits of any controversy and conducts it on that line, despising the tricks, subterfuges and hair-splitting sometimes resorted to by lawyers. He is diligent in preparation, applying himself to the mastery of all the law questions involved and to the discovery of all the testimony bearing upon the case entrusted to him. These habits, pursued systematically in the preparation for trial, places him in position not to be easily disconcerted or disturbed by any question that may come up during the progress of litigation. His powers of oratory, coupled with capacity for reasoning, make him influential with a jury. His genial courtesy and affable manner, reinforced by an impressive presence, are also factors which enter into his qualifications as a successful advocate and political orator. His individuality is marked as much by his fine physique and attractive personality as by his well defined methods of conducting a discourse or a controversy. He is powerful whether rated as to mental or physical organism. His personal courage under all circumstances is unquestioned, and he is never timorous in the presence of opponents. Where the battle is hottest he is found at his best. He excels as a jury lawyer. As a man his intercourse is marked by great kindness of heart proceeding from his naturally generous impulses, and he is popular alike with his legal brethren and the people. The legal work of the firm has always been conducted by a division of labor in accordance with the tastes and special qualifications of the two brothers. Judge T. F. Ham was essentially the office lawyer and H. H. Ham the manager of the business in court. The latter is also a good adviser and safe counsellor, as well as a careful business and commercial lawyer.

FRANK S. HAM, Wauseon, is a son of the judge. He was born in 1872, educated in the schools of Wauseon, read law with his father and uncle, and was admitted to the Bar in June, 1895. He has already made a record as a code pleader. He is unusually careful and thorough in the preparation of pleadings and in the skillful presentation of the strong points of his cases. He has exhibited critical powers of discrimination and a capacity to make the most out of the material facts and the citation of authorities to sustain a contention. His discernment of whatever is immaterial, and its exclusion from the pleadings tends to give conciseness and strength to his complaints and other legal papers. His beginning is promising. He is now associated with H. H. Ham in the practice of law.

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HENRY B. HARRIS, Defiance. Mr. Harris is of Scotch descent, although born in Ohio. His mother was also a native of this State, but his father's nativity was New Jersey. About one hundred and fifty years ago John Harris, equipped with a patent from King George II., covering a large tract of land in the colony of New Jersey, emigrated from Scotland and settled in New Jersey on his own domain. He was the great-great-grandfather of the subject of this biography. The family continued to reside in New Jersey for a century, and much of the landed estate was leased to small farmers and settlers for ninety-nine years. These leases expired during the lifetime of Mr. Harris's father, who was too generous to take advantage of the lapses by dispossessing the descendants of the lessees and beneficiaries of the leases. On the contrary he permitted them to remain in peaceable and undisturbed possession of the property to which they were attached, if they had no color of title, by inherited possession and long residence. The grandfather of Henry B. Harris died in New Jersey, and his father, Thomas D. Harris, then a young man, came to Ohio in 1842, bringing with him the other members of the family, settled first in Brown county, where he married Elizabeth Ashton and resided several years. In 1851 the family moved to Defiance county and Thomas D. Harris lived in Defiance over thirty years, and afterwards on his farm near the town of Defiance until his death, in 1891. Henry B. Harris was born in Defiance on the fourth day of November, 1853. His early education was received in the public schools of Defiance, and he completed the high school course at the age of eighteen. After studying for a time under the tutorage of Dr. W. G. Strong he entered the Ohio Wesleyan University, at Delaware, in 1871, where he remained three years completing the studies of the regular classical course, and was graduated in 1874. For one year thereafter he filled the position of superintendent of the union schools of Hicksville, and then began the study of law in the office of Henry Newbegin, at Defiance. His reading and law studies were prosecuted under instruction for two years and a half, and he was admitted to the Bar in December, 1877, after passing the examination required by the Supreme Court. On the first day of January, 1878, he entered into a partnership with his preceptor, Mr. Newbegin, which was maintained a little more than two years. In 1880 he formed a partnership with John P. Cameron, which continued for several years, until Mr. Cameron was elected clerk of the courts of Defiance county. Mr. Harris then became associated with Samuel S. Ashbaugh in a partnership which continued till Mr. Ashbaugh was obliged by business interests to give up the practice at Defiance. When Mr. Cameron retired from the office of clerk the firm of Harris & Cameron was again formed, and has had a continuous and very active existence since its reorganization. The gentlemen composing it have been retained in nearly all litigation of the first importance in Defiance county. The first case in which they were retained was tried in all of the State courts, having been twice adjudicated and reported by the Supreme Court of Ohio, was then taken to the United States courts and considered twice by the Supreme Court of the United States. After thirteen years of litigation in the State and Federal

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courts, Messrs. Harris & Cameron secured a final judgment in favor of their clients. Mr. Harris was admitted to practice in the United States District and Circuit Courts in 1880, and in the Supreme Court of the United States in 1884. His admission to the Supreme Court was moved by Judge William A. Maury, assistant solicitor general of the United States. He has always been a Republican, but the exacting requirements of his profession have prevented activity in partisan contests. He is a member of the Masonic fraternity, of the Knights of Pythias, and the Order of Elks. He has travelled extensively in the United States, either on business matters or for pleasure and recreation. Mr. Harris was married October 14, 1883, to Miss Alice Reese Shaw, daughter of John W. Shaw, a prominent farmer and stock dealer of Fairfield county, Ohio, and his wife, Elizabeth Reese Shaw. They have one son.

FLORENCE CRONISE, Tiffin. Miss Florence Cronise, a member of the Tiffin Bar, is a native of Ohio. She was born in the town of Republic, Seneca county, October 28, 1845. She is of German descent, but her lineage is American for three or four generations. Some of her ancestors settled in Maryland and Virginia prior to the Revolution. The German orthography of the name was preserved long after the transplanting to this country. Her great-grandfather, Henry Kronise, served in the Colonial Army during the Revolutionary War, and her grandfather, Henry Cronise, served in the War of 1812. The family removed to Ohio and settled in Seneca county in 1827, among the first settlers in the neighborhood. The early education of Miss Cronise was received at home, and later she attended Heidelberg College (now University) at Tiffin. This is the western educational institution of the Reformed Church. She was a student there five years, completing the regular classical course, and was graduated as a Bachelor of Arts in 1865. In 1870 the degree of Master of Arts was conferred upon her by reason of continuance in literary and educational pursuits. For six years after graduation Miss Cronise devoted herself to teaching, most of the time at Princeton, Illinois, as teacher of mathematics in the township high school. At the end of that time, having returned to Ohio, she accepted the position of principal of the high school at Tiffin, with the understanding and agreement on the part of the board of education that she was to receive the same salary as a male teacher for the same grade of work. At the end of the year the board was unwilling to carry out its agreement except on the condition that she would continue in the position five years. She declined to accede to the new condition, and abandoning school work, entered upon the study of the law. Three months later the school board sought ineffectually to re-employ Miss Cronise, offering her the position of principal of the high school at a salary of $1,000 per annum, unconditionally. The offer was declined with thanks. She had deliberately formed the purpose to devote all of her time and talents to the law, which she had already been reading for some time in rather a desultory manner. In the

furtherance of her resolution she entered the law office of Judge John McCauley in 1872, and pursued her studies under his instruction until she was admitted to the Bar, after an examination before the District Court at Kenton, Ohio, in September, 1873. Without any delay she commenced the practice in partnership with her sister, in the firm of N. & F. Cronise. In the course of a year her sister withdrew from the partnership to marry N. B. Lutes, a prominent lawyer of Tiffin, and become one of the firm of Lutes & Lutes. For about eight years thereafter Miss Cronise continued in practice alone and succeeded in building up a profitable business supported by an excellent clientage. In 1882 she admitted to a partnership Miss Edith Sams, who had studied law in her office, forming the firm of Cronise & Sams. This relationship was also broken by the marriage of the junior partner. Since that time Miss Cronise has continued to conduct a general practice alone. She has devoted herself almost exclusively to civil business, and has managed cases in court with gratifying success. She has displayed real ability in the profession, both in the preparation of pleadings and the conduct of litigation. Calm, dignified, earnest in manner; clear, dispassionate, logical in style, she makes a strong argument before court or jury. Without any show of pedantry, she chooses from an extensive vocabulary the familiar words which will most clearly express her meaning, most readily be understood by a jury, and hence most effectively impress her argument. There is method in her speech, which is plain and simple rather than ornate. She has a genius for the law and is a good counsellor. Miss Cronise was for eight years a member of the county board of school examiners, and for many years a member of the city board of examiners. She was nominated in 1895 as a candidate for membership in the board of education, by the Republican party, of which she is a supporter. Complying with a request of the editor for information, a prominent Tiffin judge contributes the following:

"Miss Cronise first obtained a collegiate education, and was really a good scholar. She seemed to have taken most interest in mathematics and languages, and paid less attention to the trifling and effeminate studies in the course. After she left college she taught for a year or two in a high school, and could have continued teaching on very favorable terms. But she gave it up and began the study of law. From the beginning of her studies she showed unusual ability to understand it, and with the mature scholarship she went rapidly through a course of legal study, and when she was admitted to practice she was really a well disciplined and well educated lawyer. She has now had perhaps twenty years of practice, and is very capable to try any case. She is to-day capable to be a very efficient judge of any court in the State. She is not a voluble talker, nor an eloquent one. She makes no effort to talk learnedly; is free from any affectation. She attends mainly to the logic and reason of her case. Her real worth of character amply protects her from the unpleasant things that might be sometimes said by an opponent wanting in delicacy. She is a good lawyer—I think probably there is not a better woman lawyer than she in the whole country."

Another judge says: "Miss Cronise entered the profession at a time when women in the law were not regarded with that favor accorded them in later years; but by her force of character, ability and close attention to business,

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CHARLES H. MASTERS, Bryan. Charles Homer Masters is a native of the State. He was born on his father's farm at Masters' Corners, near West Unity, in Fulton county. His parents were Honorable Ezekiel and Susanna B. Masters; his father a native of Maryland and of English descent; his mother a native of Ohio and of English-German descent. Ezekiel Masters came to Ohio with his parents when a boy and was raised on a farm. He settled in Fulton county in 1846, on a tract of timber land which he cleared up and cultivated until 1870. He then removed to Pioneer, in Williams county, where he died in 1887. He had so ordered his life as to gain the respect and esteem of the communities in which he resided. He was for many years one of the justices of his township and represented Fulton county in the legislature for two terms, from 1863 to 1867. He was a public-spirited citizen, and his enterprise occasioned the loss of most of the accumulations of his earlier years. He took a contract to build a section of the Mansfield, Coldwater and Lake Michigan Railroad, but as it was never completed he lost the money he invested in the enterprise, some $20,000, and lost his health at the same time. His son, the subject of this sketch, was then thrown upon his own resources for obtaining an education. He had in his boyhood attended the public school of his district, and when his father moved to Pioneer in 1870, he attended the high school of that place, and later for one year was a student in the Normal Academy at Bryan. To provide means for prosecuting his studies he began teaching school, which he followed for six terms, during the winter, and worked on a farm in the summer. He pursued advanced studies in his leisure hours. In 1876 he went to Chicago and engaged in collecting, which he followed for two years and then entered the Union College of Law, where he pursued legal studies for two years. After passing an examination before the Appellate Court of Cook county he was admitted to the Bar. He at once returned to Bryan and began the practice of his profession. In connection with his law business he took up stenography and became so expert that the Bar of the county united in recommending him for the position of court stenographer and the appointment was made. He held this position for a period of three years. He was for several years the confidential clerk and assistant for the firm of Pratt & Bently, one of the most prominent and able law firms in northwestern Ohio. In February, 1888, he entered into partnership with Thomas Emery, now one of the attorneys of the Lake Shore & Michigan Southern Railroad, which continued to 1893. Of the important cases he has conducted or participated in, the most prominent are those of Zelzman vs. the L. S. and M. S. R. R. Co., and the State vs. Plummer and Elkins. The former was a suit for damages for personal injuries received on that road. It was tried three times in the Court of Common Pleas of Williams county and a verdict for the plaintiff was obtained at each trial; but the first two were reversed, by the Circuit Court in the first and by the Supreme Court in the second trial, and each time remanded for a new trial. In the first trial, which took place in 1887, the verdict was for $6,000, and in the third and final trial, it was for $9,000 and interest, which made almost $10,000. The railroad

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This engraving was made from a photograph taken about 1870

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ally retired from the forum and declined to accept new business, yielding only to the importunities of old clients who clung to him and insisted upon his legal services when they needed a counsellor or had important litigation. One of these old clients was the C. C. C. & St. L. Railroad Company, which under various names he had served as counsel more than forty years. Mr. Carper was one of that noble minority of lawyers who find the profession all-satisfying. All of his aspirations toward honor and fame were gratified in the boundless possibilities of the law. He sought no political office. The glitter and tinsel of public life never tempted him. Through nearly half a century he held on courageously to the course which he marked out in youth, and thus was enabled to attain a position of eminence, above the scandal and calumny which often bring disquietude into the life and home of the politician. When a young lawyer he served two terms as prosecuting attorney of his county, but declined judicial honors offered by his party in a nomination for Common Pleas judge. He was a member of the Republican party, whose clear vision and high character gave him wide influence as an adviser. Mr. Carper possessed much original power of intellect. He was a thinker, as well as a reader. His mind was both analytical and synthetical. He could separate and classify the elements of a case at law and discover the principle upon which it was grounded. Or he was able to construct a symmetrical argument from a known element. In his practice he regarded principles of more importance than statutes. He sought the basis of truth on which to construct his fabric of facts, and the basis of principle on which to construct his theory of the law. He was thoroughly informed in his cases and carried on his contentions with conscientious pertinacity. He reasoned well, as a logician whose mind is thoroughly honest. He was a good man, who studied the sacred scriptures and sought to fashion his life after the pattern of the Divine Teacher and the Sermon on the Mount. He possessed social qualities which drew about him a circle of admirers who delighted in his conversation. His humor was pure, his wit sparkling, his repartee bright and his satire free from malice or anything that could offend. He enjoyed his home, which the wife of his youth, Miss Catherine Welch, of Delaware, to whom he was married in 1849, assisted in making bright and cheerful. The children of this union are Joseph E. Carper, Carrie Carper Mills, of Boston, and George T. Carper, all of whom with their mother survive. Mr. Carper died suddenly and his death occasioned a shock in the community. The Bar in which he had so long been prominent adopted a memorial prepared by Honorable E. F. Poppleton, Judge C. H. McElroy, Honorable F. M. Marriott and Honorable J. D. Van Deman, and the same was spread upon the court records, as an inspiration to high living and noble aims in the profession.

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DUNCAN DOW, Bellefontaine. Honorable Duncan Dow, judge of the Court of Common Pleas for Logan and Union counties, was born in Logan county, Ohio, March 13, 1843. His ancestors were Scotch Presbyterians. His father, Robert Dow, was a native of Scotland, came to Ohio when only ten years old, settled in Logan county, where he grew to manhood and became a useful citizen; entered the military service of the government as captain of Company D, Forty-fifth Regiment, Ohio Volunteer Infantry, and served during the Rebellion. Duncan Dow attended the common schools of his native township, passed through the high school of Bellefontaine and attended Geneva College as a student for one term. After this he took a course of instruction in Eastman's celebrated business college at Poughkeepsie, New York. In this way he qualified himself as a book-keeper with the purpose of engaging in commercial business. Soon after returning from Poughkeepsie, however, he entered the office of the county auditor as deputy and subsequently became deputy clerk of the county. He had not up to this time formed the purpose of entering a profession, but while employed in the county clerk's office was persuaded to take up the study of law as an incident of his clerical work. The opportunity afforded to study the practical part of the profession while keeping the minutes of court served as an incentive to study the text-books. He read Blackstone under the instruction of J. B. McLaughlin, a prominent practitioner at the Logan Bar. All of the necessary preliminary reading was pursued under the direction of this instructor until 1867, when he entered the Cincinnati Law School, so well advanced as to complete the course and receive his degree of Bachelor of Laws in 1868. He was received into partnership by Mr. McLaughlin, his former preceptor, and immediately entered upon a prosperous practice. For twenty-eight years the firm of McLaughlin & Dow existed and was recognized as one of the most capable in the county. During all this time Mr. Dow was engaged in the general practice and, by the force of his will, the vigor of his intellect and the energy which he is accustomed to put into every undertaking, he rose from a very humble position to one of large influence in the profession. The partnership mentioned was dissolved only on account of Judge Dow's election to the office of judge of the Court of Common Pleas in the fall of 1896. He has not held a position on the Bench long enough to test in the higher courts very many of his judicial decisions, but his courtesy and bearing toward the Bar, his painstaking investigation of all questions submitted, his integrity of character and deep convictions have already demonstrated both his capacity and fitness for the judicial office. Judge Dow has held other offices since his admission to the Bar. In 1869 he was elected prosecuting attorney for Logan county and was re-elected in 1872, holding the office for six years. In 1875 he was chosen to represent his county in the general assembly of Ohio, and after serving one term was re-elected. During his first term in the general assembly he was made chairman of the committee on privileges and election, one of the most important of the regular committees and doubly important during that session on account of several contests. In 1886 he was chosen to the Ohio Senate and during his term of service was a

C. H. McElroy

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ensuing the family lived in Staunton and in Botetourt county, and then returned to Delaware, Ohio. While in Virginia Dr. McElroy founded the Female Institute at Staunton, a school of high grade which is still flourishing. He was also for some years agent of the Virginia Bible Society. The brother and sisters of Judge McElroy removed to the Pacific coast soon after the war and were followed there by the parents. Two sisters are still living at Oakland, and the other members of the family died in California. Judge McElroy received his academic education at various places in Virginia and attended the Law School of the University of Virginia for two years, beginning in 1850, and was there two sessions of nine months each. He was examined by the judges of the Court of Appeals, and admitted to the Bar of that State at Lewisburg. He returned to Delaware, to which other members of the family had preceded him in the early part of the same year. While waiting to gain a residence he engaged in civil engineering, as applied to the construction of railroads, and continued in that work for about two years, until the suspension of railroad building as a result of the financial stringency sent nearly all engineers adrift. At the time of this suspension, in 1854, he was in charge of the construction of forty miles, being the northern division, of the Henderson and Nashville Railway, as it was then known. This diversion delayed his admission to the Bar of Ohio until 1855, when he settled in Delaware and at once engaged in the practice. Not long afterwards he was appointed master commissioner, and in that capacity adjudicated many cases. He established for himself an excellent reputation at the Bar and also a reputation for judicial fairness as referee in the numerous cases referred to him by the courts. When the War of the Rebellion broke out he offered his services, in August, 1861, and was mustered as a private in Company D, Twentieth Regiment, O. V. I. He very soon became captain of the company, of which he was in command at Fort Donaldson and Pittsburg Landing. In August, 1862, by request of the governor of Ohio, and order of the War Department, he was transferred to the Ninety-sixth O. V. I., with the rank of major. He was on duty at Chickasaw Bayou, Arkansas Post and the siege and surrender of Vicksburg. His health was much broken by the exposures of the camp and field, in a climate to which he was unaccustomed, and he was prostrated by an attack of typhoid fever, followed by chronic diarrhœa and neuralgia. In the campaign down the Mississippi and up the Yazoo and Chickasaw Bayou he was so emaciated and broken that it seemed as if he never could rally; but he remained on duty until after the surrender of Vicksburg, when he was mustered out on the surgeon's certificate of disability. Upon returning home he resumed the practice of law as soon as he had sufficiently recovered, although he remained an invalid for many years. His only brother, Colonel J. N. McElroy, who preceded him into the service, was on the staff of General J. D. Cox, and by promotions became major of the Twentieth Ohio Volunteer Infantry, and lieutenant colonel of the Sixtieth Battalion, remaining in the service after the war closed as captain in the Eighth United States Cavalry. He died at San

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Francisco some years ago, leaving a widow and one son. Judge McElroy continued in the practice with increasing success until 1881, when, at the earnest solicitation of members of the Bar, personal friends and citizens generally, he accepted the Republican nomination for judge of the Common Pleas Court. He was elected, although the subdivision in which he was a candidate is Democratic by a large majority. He was re-elected in 1886, serving altogether ten years and retiring from the Bench in February, 1892. While in practice at the Bar he was for a time in partnership with E. T. Poppleton, and at the time of his elevation to the Bench was associated with H. S. Culver. Upon retiring from the Bench he resumed the practice in a partnership with G. W. Carpenter, which is still in force. The firm are attorneys for the C. C. C. & St. L. Railway, the Delaware Clay Manufacturing Company, the Delaware County National Bank, V. T. Hills & Co., and many others. Naturally they have a great many cases in the higher courts. In 1858, October 28, Judge McElroy was married to Caroline Murray, now deceased, who was the daughter of Richard and Joan Hills Murray, and whose father had been a member of the Delaware Bar with most promising prospects; a man who at once took high standing on account of his ability, integrity and learning in the profession, but was cut down by death at an early day, and during the infancy of this daughter. Her mother lived to the age of seventy-five years and retained to her death the highest esteem and affection of her two thousand pupils. Making her home with her daughter and son-in-law, Judge McElroy, she was always a welcome member of the family and a blessing to her children and grandchildren. Of the six children comprising the family of Judge and Mrs. McElroy four are living, three daughters and a son: Lillian E., wife of William B. Hall, of Cape Town, Africa; Kathleen, who lives at home with her father; Carroll M., a dentist, at Indianapolis; and Frances H., engaged in the newspaper business. Judge McElroy is a gentleman of substantial character and exemplary life. His friendships are real, not simulated; his democratic simplicity, openness and genuineness commend him to the people. His broad scholarship is rendered more practical and useful by his careful observation of various characteristics of men and his study of civic life, for which he had ample opportunity in his service of two terms as mayor of Delaware, with an interval of twenty years between. He was elected first in 1857 and again in 1878, on both occasions receiving a very large vote of the citizens without regard to partisanship. His capacity for affairs was evidenced during the first term by clearing up an indebtedness and changing the finances of the corporation from rather a chaotic to a business condition. His zeal for the public good contributes to his usefulness as a citizen. His large attainments in the law, his perfectly reputable methods in practice, his high motives and unquestioned integrity on the Bench, all combine to give him firm and honorable standing in the profession.

JAMES I. ALLREAD, Greenville. Honorable James I. Allread, ex-judge of the Circuit Court, is a native of Ohio. He was born in Darke county, September 25, 1858, and bred on the farm. His parents were also Americans and natives of the same State. His mother's family name was Houk. His father, Isaac Allread, was born in Butler county and his occupation has always been farming. Judge Allread had such advantages of education only as were available in the district schools and the Greenville high school. During his minority he worked on the farm and his labor was a factor in the support of the family. He was not content to devote his life entirely to physical labor and receive such rewards only as the products of the farm yield to the husbandman. He had no disposition to shirk any responsibility, and he was always industrious; but early in life he formed a marked preference for a profession, and the law presented to his imagination the most inviting field for the exercise of mental faculties. In his opinion the avenues which it opened for thought and study were not only attractive, but they extended as far as the human mind can explore. It appeared to him also that this profession afforded greater advantages in other respects than could be found in other vocations. His resolution to qualify himself for the profession of law was therefore formed early, and at the proper time he proceeded to act upon the resolution thus formed with earnestness and energy. He entered the law office of the late Judge William Allen at Greenville for preliminary reading and study under instruction. He passed the examination prescribed by the Supreme Court and was admitted to the Bar October 6, 1880. Opening his office in Greenville, he began the practice with the confidence that thorough preparation inspires. Having grown to maturity in the county and acquired his education within its borders, he already had a large acquaintance among the men of his own age. And it was greatly to his advantage at the outset that the acquaintance was entirely favorable to himself. He needed no introduction to the people he was ready to serve with legal advice; whose litigation he was qualified to manage; and therefore he was able to establish himself in practice much sooner than a man wholly unknown is able to do. Without barratry and without resort to any methods which tend to discredit a member of the Bar, he booked clients and secured business, soon taking by natural right a position with the most successful practitioners of his county. Greenville is not a large town; the basis of its support and growth is agriculture; and the business of a lawyer in the county is general. Judge Allread, in accordance with the fitness of things, took all kinds of civil and criminal cases. No single branch of the law affords sufficient business to warrant the adoption of a specialty. He has, perforce, looked after collections, served a client in all kinds of contention involving property and rights; defended persons accused of crime and attended to the business of corporations. He is therefore what may properly be described as an all round lawyer, equally at home in any kind of litigation, or counsel that may keep a client out of litigation. February 9, 1895, he was appointed judge of the Circuit Court for the Second Circuit of Ohio, to fill a vacancy occasioned by the resig-

nation of John A. Shauck, who had been elected to the Supreme Court. He served until his successor was elected in November of the same year. The appointment was made by Governor McKinley. Judge Allread has always been a Republican, politically, and has given considerable time to the interest of politics. In 1892 and again in 1896 he was chosen one of the delegates to represent the Fourth Ohio District in the National Convention of the Republican party. He was married in August, 1883, to Emma S. Roland, daughter of Charles Roland, who for many years was editor of the *Greenville Democrat*. A daughter and a son are the fruit of this union — Maria and Charles Harold.

THOMAS J. GODFREY, Celina. While most of the years of Mr. Godfrey's adult life have been passed in Mercer county, his reputation as a lawyer and public official extends throughout the borders of the State. He was born in Darke county, Ohio, June 6, 1831. His father, E. B. Godfrey, was a native of Ohio, and his mother, Sarah Elliott, was a native of North Carolina. His parents lived on a farm in Darke county until 1859, when they removed to Dowagiac, Cass county, Michigan, and settled there for the remainder of life. The father died in 1888, at the age of seventy-eight years, and the mother in 1891, in her eighty-fourth year. Thomas J. received his primary instruction in the country district school, his academic education in seminaries, and finally took the scientific course at Asbury (now De Paw) University, Greencastle, Indiana. After leaving college he was employed in teaching for some years in the schools of Indiana and Ohio, until he began the study of law in the office of Allen & Meeker, prominent attorneys of Greenville. After preliminary study he attended the Cincinnati Law School, from which he was graduated in 1857. The same year he was admitted to the Bar by the Supreme Court of Ohio, and soon afterwards entered upon the practice at Celina, which has practically been continuous. The experience gained in another profession was valuable to him at the threshold of the Bar. He soon won the public confidence and a profitable business. In 1863 he was elected prosecuting attorney of Mercer county, and before the close of his first term was renominated for a second. Prior to the election, however, he was asked to accept the candidacy to represent the counties of Allen, Auglaize, Defiance, Mercer, Paulding, Van Wert and Williams in the State Senate, and consented. He was elected, and his record was such as to command a re-election in 1867. Upon the organization of the Senate, in 1868, he was elected president *pro tem.*, and discharged the duties with such ability and impartiality as to win the approbation of the senators, without distinction of party. His public service commended him to his party, so that in the following year he was nominated as the Democratic candidate for lieutenant governor, on a ticket led by the late George H. Pendleton, afterwards senator of the United States. The ticket was defeated because that was not a Democratic year in Ohio. He was a member of the Constitutional Convention of 1873–4, and served on the judiciary committee of

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that body. In 1880 he was a candidate for Presidential elector on the Democratic (Hancock) ticket; but the Garfield electors were chosen. In 1881 he was again chosen to represent his district in the State Senate. As before, he was re-elected for another term, during which he was chairman of the committee on judiciary, and universities and colleges. These various preferments for political honors came to Mr. Godfrey entirely unsought. When urged to accept an office in a representative capacity he consented because he deemed it a duty of citizenship. Ofttimes he accepted a public trust to the detriment of his own private interests. That he discharged the duties of his various offices to the satisfaction of his constituents is evidenced by the fact that he has almost continuously held important offices of trust and responsibility during the larger part of his professional life. He has always taken a very deep interest in the educational movements of his county, district and State. He is and has been since 1878 a member of the board of trustees of the Ohio State University, and for seven years was president of the board. He has given liberally of his means as well as of his time for the advancement of various educational institutions of the State. He has always been very active in developing the local resources of the community in which he resides. He was prominently identified with the organization of the first building and loan association in Mercer county, and was first president of the organization. In 1872 Mr. Godfrey, in connection with Dr. D. Milligan and his son, bought up all the certificates of stock outstanding, surrendered the charter of the association and organized a banking institution under the style of Milligan, Godfrey & Co., which continued until the death of Dr. Milligan, when the firm was changed to Godfrey & Milligan. This continued until 1888, when it was succeeded by the Commercial Bank, of which Mr. Godfrey was the dominating spirit until the beginning of 1896, when he sold his interests to his partners, so that he might devote his time entirely to his profession and his private business. There is no man in the county who has taken a greater interest in the public weal than Mr. Godfrey, or one who stands in higher estimation of the public. Referring to his standing in the profession and as a citizen, one of the oldest and ablest of the Mercer county Bar observes:

"Mr. Godfrey is an able lawyer and has been a useful citizen. While he has been prominent in the practice, he has not been as conspicuous in the trial of court cases as some other members of the Bar. He is better adapted by nature and education for a chancery lawyer than a trial lawyer. He is a man of good judgment, well versed in the legal code, and has been among the most successful members of this Bar. While not an orator in the generally accepted meaning of the word, he is a good talker, logical and plain in his statements, and his ability and integrity are recognized by all. Though he has always been more or less in public positions, he never neglected to properly attend to any case in which he was retained. As a citizen he has been public-spirited, and has done more than any other man in the county to elevate public sentiment on the subject of our public schools. He has for years been connected with these in some capacity, either as teacher, trustee or examiner, and his influence has resulted in elevating the standard of the schools, especially by insisting upon larger capability and broader qualifications of teachers. He has left an indelible impression on the pages of Mercer county history."

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J. D. Van Deman

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Mr. Godfrey is prominent in fraternal circles; in Masonry, both a Knight Templar and Thirty-second Degree Mason; also a member of the Knights of Pythias. He was married in 1859, to Miss Lorinda Milligan, daughter of Dr. D. Milligan, of Fort Recovery. They have one daughter, who is the wife of Rev. J. M. Anderson, of Columbus.

JOHN D. VAN DEMAN, Delaware. Honorable J. D. Van Deman was born in Delaware county, Ohio, February 12, 1832. His father, Rev. Henry Van Deman, a native of Pennsylvania, was a minister of the Presbyterian church, and for nearly forty years pastor of that church in Delaware. His mother, Sarah Darlington, a native of Kentucky, was a daughter of General Joseph Darlington, who was a member of the Territorial legislature of Ohio, and also a member of the convention held the first year of the present century to frame a Constitution for the State of Ohio. When a child Mr. Van Deman received his primary lessons from Mrs. Murray in the basement of the building located on the court house lot, on the second floor of which he completed his legal studies preparatory to admission to the Bar. (President Rutherford B. Hayes was also an alumnus of the same school.) He took the full classical course in Ohio Wesleyan University, from which he was graduated in 1851. Immediately thereafter he entered the law office of Powell & Buck, where his legal studies were pursued for two years. He was admitted to the Bar in 1853 and began practice at Delaware, soon achieving a success that was very gratifying. His first partnership was with Judge T. W. Powell, which continued until 1862. He then formed a partnership with the late H. M. Carper, which was maintained without interruption until 1889, when Mr. Van Deman retired from practice. Theirs was the oldest law firm in the State at the time of its dissolution. It is a pleasing commentary on the carefulness and honesty of these two gentlemen, that when their final settlement was made, covering the whole period of twenty-seven years of a partnership business, the discrepancy between the accounts as kept by each of them was only one cent. There had been no comparison or settling up of personal accounts of either with the firm from the beginning of the partnership until its close. During all of this period their relations were not only friendly and cordial, but of the closest intimacy. There were few important cases tried in the courts of Delaware county during the time of Mr. Van Deman's active relations with the Bar, in which he was not engaged. One of the most celebrated of the cases which he managed was that of Lou Houk, a manipulator of three-card monte, who killed a man on the Hocking Valley train. Of his argument in that trial the *Ohio State Journal* said: "His address was admired by all who were present. It was clear and sound in argument and his rhetoric was unusually fine. The speech was pronounced one of the best ever delivered at the Bar of Delaware county." Another celebrated case was one growing out of the failure of a bank at Logansport, Indiana. An attempt was made on the part of the Indiana bank

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ster, in Auglaize county, and his early education was obtained in the public school of that town and later was supplemented by a course in the Celina high school. He then entered Pio Nono College, near Milwaukee, Wisconsin, from which he was graduated in the class of June, 1888. Returning home, he was appointed deputy clerk of the Probate Court of Auglaize county. He remained in that position, studying law text-books as the opportunity offered, for about one year. In September, 1889, he entered the Law Department of the Cincinnati College, from which he was graduated in May, 1891, and was immediately admitted to the Bar. In July of the same year he began the practice of his profession in partnership with Judge W. T. Mooney, a connection that remained in effect until Judge Mooney took his seat on the Common Pleas Bench, in December, 1892. He remained in practice alone until August, 1893, when he formed a partnership with Anthony Culliton, a former classmate in the Cincinnati Law School. This association has proved very successful, and continued in effect until December, 1896, when C. L. Smith was admitted to partnership, the firm name now being Goeke, Culliton & Smith. Mr. Goeke was elected city solicitor in 1893 and held the office for two terms. In the spring of 1894 he was nominated on the Democratic ticket for county prosecutor, to which he was elected, and re-elected in 1897. From his school days down to the present time Mr. Goeke has been a hard student, and in his chosen profession his success has been uninterrupted from the start. Mr. Goeke was married November 5, 1891, to Miss Emma Kolter, of Wapakoneta. They have one daughter. Referring to his standing in the profession and his business methods, one of the prominent members of the Auglaize county Bar says:

"The success of the firm of Goeke & Culliton, of which Mr. Goeke is the head, is something remarkable. Neither of them has been in practice ten years, yet the firm has a business second to none in the county. Mr. Goeke has a very fine law library and their office is one of the best equipped in this section of the State. He is known as a hard working, studious attorney and the success he has met with in his practice has been fully earned. When he takes a case he enters into it with the full force of his well trained mind and he gives his clients what they pay for—his best efforts. His business methods are straightforward and his integrity is unquestioned. He has within him the elements of a successful lawyer. He is a good talker, a strong reasoner, his mind has a legal trend, and he is well adapted for either chancery or court practice. Mr. Goeke is yet a young man, but if he lives as long in Ohio as his father he will leave a marked impression on the pages of her legal history."

JAMES DONOVAN, Napoleon. In the valley of the beautiful Maumee river in Henry county, nine miles from Napoleon, James Donovan was born, July 8, 1855. His father was a native of Cork, Ireland, and his mother was born of Irish parents at Quebec, Canada. His father was a farmer and one of the earliest settlers of Henry county. James attended the district school and worked on the farm until he was sixteen years of age. He then attended the

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Normal school at Lebanon and engaged in teaching part of the time until he reached the age of twenty. He was graduated as a teacher from the course of study in that Normal school in 1878. He took up the study of law in the office and under the instruction of J. H. Tyler, of Napoleon, and was admitted to the Bar in October, 1880. After spending a year in Missouri he settled at Napoleon, where he engaged in the practice of his profession alone for two years. He then formed a partnership with Judge James G. Haley, which continued until the death of the latter. In 1884 he was elected clerk of the Court and was afterwards re-elected, serving for six years and retiring from the office in February, 1891. He then formed a partnership with R. W. Cahill, under the style of Cahill & Donovan, and has engaged in a general practice in the State and Federal courts. Mr. Donovan has been actively identified with politics throughout his adult life. He is a Democrat and has under all circumstances been willing to promote the interests of his party by public participation in campaigns on the stump and the no less effective means of the partisan council, in which he has always been prominent. He is a brother of D. D. Donovan, of Deshler, who served with marked ability for two terms as a member of Congress. James refused the nomination for Congress in 1896, when he could easily have been elected if he had not declined. He has manifested deep interest in municipal affairs and politics, having been elected a member of the city council again and again, until at length he declined further service. He is enterprising and has both in private life and public office been an example of civic virtue. Mr. Donovan is esteemed one of the ablest young attorneys and shrewdest politicians of the county. His personal popularity is an element of strength always counted upon by his friends in a political contest. The young Democracy have stood by him and carried him to victory at the primaries and at the polls. In the city council he was a working member, accredited with large influence and manifesting broad public spirit. He was married November 26, 1885, with Miss Susan N. Yeager, of Napoleon, granddaughter of Judge Craig. His family consists of a daughter, Katharine E., ten years of age, and a son James, five years old.

DANIEL BABST, JR., Crestline. Daniel Babst, Jr., was born October 19, 1847, at Canal Fulton, Stark county, Ohio. His ancestors were natives of Alsace, long a province of France. His father came to America from that country in 1832 and settled in New York. Two years later he removed to Stark county, Ohio, where he met, courted and married a lady who came also from the region over the Rhine, and who became the mother of our subject. His ancestors on both sides held important position in Alsatia. The family removed to Crestline, Crawford county, in 1852, and here Daniel received his earlier education in the public schools. From 1864 to 1867 he was a student in Oberlin College. In the last named year, at the age of twenty, he began reading law in the office and under the instruction of Nathan Jones, at

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Crestline, with whom he remained until 1872, when he was admitted to the Bar. He began practice on his own account in 1873, and from that time to the present, except for one year, he has been engaged in a general practice alone. He served as city solicitor from 1877 to 1879, and then resigned to accept appointment to the office of mayor of the city tendered him by the common council. In 1880 and again in 1882 he was elected mayor. In 1884 he was the Republican candidate for Congress against George E. Seney, of Tiffin, but was defeated, as the Thirteenth Congressional District was a Democratic stronghold. He succeeded, however, in greatly reducing the majority of his opponent. Although he has given considerable time to the duties of public office, he has not neglected his profession, which has under all circumstances claimed his attention and his best endeavors. During the entire period of his residence at Crestline he has taken deep interest in educational matters and the work of the public schools. He has served as a member of the school board and the board of examiners for twelve years. As a citizen he has manifested a lively interest in the affairs of his city and county, and actively supported such measures as promote the public welfare. His interest in politics, local and general, springs from a conviction that the principles and policies of the party to which he belongs should dominate the government. He was a member of the State executive committee for two terms, and has usually represented his party in the various State conventions. In 1887 he was a candidate before the Republican State convention for nomination to the office of attorney general, but was fortunately defeated. That was one of the years in which the Democratic party was successful in the State and he was spared inevitable defeat at the polls. He has supported strenuously the policy of free coinage of silver at the ratio of sixteen to one, believing it to be good Republican doctrine. He maintains that his own position on this question is correct and he has remained steadfast, while the party has left him. Mr. Babst was one of the counsel for the regular Masonic body in their prolonged litigation through all the courts with the Cernean bodies, in which the regulars were successful. He is a Free Mason himself and perhaps on that account was more vitally interested in the outcome of the litigation. He is past Commander of Mansfield Commandery K. T., and is a member of Alkoran Shrine. Mr. Babst has broad and liberal views of religion and is generous in his contributions to the churches and to all charitable objects. He was married October 24, 1872, with Miss Alice E. Martin, who bore him two children, Lora M. and Carl M., both of whom are living. Mrs. Babst died in 1878, and on April 20, 1882, he was married with Miss Luella Carlisle. Two children are the fruit of this marriage, namely, Clara and Guy Mannering. His eldest son, Carl, has been reading law for the past year, his education having been carefully supervised with that end in view.

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CORTLAND L. KENNAN, Norwalk. Cortland L. Kennan was born in Norwalk, December 29, 1847. His paternal lineage is Scotch, and that of his mother English. The Kennans were among the early Scotch settlers of New England. His father, Jairus Kennan, a native of Moravia, New York, who became a very eminent lawyer, removed to Ohio and settled in Norwalk in 1830, and continued to reside there until his death in 1872. His mother, Charlotte E. Gardiner, was a native of Connecticut, where her English ancestors settled in the Eighteenth Century. She also came to Ohio about 1830. Young Kennan began his education at five years of age, in a private school, where he remained until he was eight. He then entered the Norwalk public schools, in which he passed through all the grades of the grammar and high school, graduating with first honors from the high school in 1863. He then entered the Western Reserve College at Hudson, Ohio (now the Western Reserve University at Cleveland), where he took the full collegiate course and graduated with the first honors of his class in 1867. Returning home, he at once began the study of law in his father's office, and in April, 1869, was admitted to the Bar. He at once entered into practice with his father, where he continued until the death of the latter in 1872. He has since practiced alone, with the exception of a short time when his two brothers were associated with him. He is a lawyer of ability and has shown remarkable clearness in the preparation of pleadings. He has given much time and attention to Banking Law, and is at this time counsel for one of the largest banking institutions in Northern Ohio. With all of the advantages of a finished education and a most complete legal training, he is a most charming conversationalist and a ready and fluent speaker. During the railroad riots of 1877 the citizens of Norwalk organized a vigilance committee, and this afterwards resulted in the organization of the Ohio National Guard. On August 5, 1877, Mr. Kennan was elected first sergeant of the Norwalk company; on May 1, 1879, he was elected second lieutenant; on May 13, 1882, first lieutenant, and on December 1, 1885, captain. He skipped the majority, and October 10, 1889, was elected lieutenant colonel, and in April, 1893, was elected colonel, commander of the regiment. He was first attached to the Sixteenth Regiment of the Ohio National Guard, and afterward transferred to the old Fifteenth Regiment. This regiment was mustered out of the service and he was again transferred to the Sixteenth, and on May 11, 1887, was assigned to the Fifth Regiment, which he now commands. Colonel Kennan has thus had twenty years' continuous service, an honor which but few men in this State have attained. His military headquarters at the present time are at Norwalk. He is enthusiastic in this work and has greatly contributed to the placing of the Ohio National Guard upon the admirable footing it now has attained. Colonel Kennan is a member of the Masonic order, having received the Knight Templar degrees. In 1869 he married Eloise Case, of Norwalk, and has five children, three daughters and two sons. There are now living two daughters and one son. Mrs. Kennan died March 17, 1894.

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FRANK HERBERT JONES, Norwalk. Honorable Frank H. Jones, judge of the Probate Court, was born on a farm near Deansville, Wisconsin, September 15, 1856. His father, James Jones, was a farmer and a native of Massachusetts. He came first to Ohio and in 1850 removed to Wisconsin. The Joneses are of Welsh descent and came to New England in the eighteenth century, settling at Martha's Vineyard. The great-grandfather of the subject of this sketch was engaged in the American Revolution and was in the battle of Lexington. His mother, Sabra W. Alvord, also a native of Massachusetts, was of English descent. Her ancestors were among the early Massachusetts settlers, coming to this country about 1636. They became quite prominent in affairs and several of the family attained distinction during the country's struggle for independence. When Frank H. Jones was six years of age the family returned to Ohio, settling near Bellevue, where his education began in the public schools. Later he entered the preparatory department of the Western Reserve College at Hudson, Ohio, where he remained one year and afterwards entered the collegiate department. In 1881 the name of this institution was changed to Adelbert College of the Western Reserve University, and the school was transferred to Cleveland, where Mr. Jones graduated with the second honors of his class, in 1882. After leaving college he was for one year superintendent of schools at Mentor, the home of Garfield. In the fall of 1883 he entered the Cincinnati Law School, and in 1885 was graduated again with the second honors of his class. The class was a large one and the grades were as high as ever attained in the college. He was at once admitted to the Bar and began practice at Sandusky in the office of Linn W. Hull, now judge of the Court of Common Pleas. In 1886 he removed to Norwalk, where he has since practiced alone. His practice has been general. It has largely been in the line of equity proceedings, corporation and real estate law. He has always been a close student, devoting great care to the preparation of his cases, and has shown marked ability for one so young. As an evidence of the confidence and respect entertained for him by the citizens of Huron county he was, in the fall of 1896, elected judge of the Probate Court, an honor which one of more mature years might well be proud of. He has always been a Republican and has taken quite an active interest in political matters, and has several times been a delegate to the State conventions of his party. He was for eight years a member of the board of education. In 1893 he married Charlotte W. Wickham, of Norwalk, and has two children, a son and a daughter.

JAY F. LANING, Norwalk. Mr. Laning was born at New London, Ohio, on the 15th day of May, 1853. His father, John Laning, who located in Huron county, Ohio, in 1840, was a native of New Jersey. His ancestors, who were Welsh, settled at Trenton, New Jersey, some time prior to the American Revolution. His mother, Caroline Wood, was born in Putnam county, New York. She came to Ohio in 1832. His education was in the pub-

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lic schools of his native county and for a time at the Savannah Academy, and in 1872 he was for a short time in the Baldwin University. At the age of fifteen he commenced teaching school, and was engaged in that occupation for six years. During this period he devoted his spare time to the study of law. Continuing the study of law after giving up the business of teaching, he was admitted to the Bar in 1875, and at once began practice alone at New London. Afterwards he formed a copartnership with A. M. Beattie, now of the Norwalk Bar. In 1882 he removed to Norwalk, where he practiced for a short time, when he engaged in the publishing business. He is at the head of the Laning Printing Company, which company is now publishing the Ohio Supreme Court Reports, also a series of reports called the Ohio Decision, the Ohio Legal News, and other law publications. Mr. Laning is the author of The Rudiments of Civil Government and The Rudiments of Law—both of which are text-books for use in the public schools; also a history of Ohio and a number of other publications now used in the public schools, besides a number of manuals. In politics he has always been a Republican. At the present time he is serving his second term in the Ohio Senate. In 1875 he married Caroline Sheldon, of Ohio, and by this union has six children, three sons and three daughters, all living.

JOHN W. JENNER, Mansfield. Honorable John W. Jenner, for eleven years judge of the Circuit Court of Ohio, for the Fifth Circuit, is the son of Dr. A. Jenner, who represented Richland county in the legislature in 1858. Richard Jenner, of London, was the lineal ancestor of the family in America. His son settled in Connecticut about 1675. Dr. Samuel Jenner, great-grandson of Richard, and great-grandfather of Judge Jenner, was born in Woodbury, Litchfield county, Connecticut, in 1739. Dr. Edward Jenner, celebrated for his discovery of vaccination, was also a descendant of Richard Jenner. Dr. A. Jenner's maternal grandfather, Nathan Taylor, was a private in a New Jersey regiment in the War of the Revolution. Judge Jenner's mother's grandfather, Captain John Foster, owned a plantation on Roanoke river in North Carolina, and was the commander of a coast trading vessel; was placed in commission as a privateer. When the English were blockading our coast, on an occasion when Captain Foster attempted to get into Pamlico Sound, in full view of his family and friends, he was closely pursued by the blockading squadron and barely escaped capture. The judge's grandmother, then a small girl, was deeply impressed with this incident, and often repeated it to her grandchildren. The father of Judge Jenner became a resident of Mansfield in 1834. Dr. A. Jenner was a man of integrity and purity of character, warm in his friendships, and highly respected in the community. Two sons—Dr. A. E. Jenner of Dayton, who for two terms represented the Crawford district in the Senate, and Dr. C. W. Jenner, late of Denver—followed the profession of their father; and two sons, John W. and Samuel E., made the law their life work. Judge Jenner, after obtaining the education the common schools afforded,

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taught school several terms, attended an academy for three years, then entered the Sophomore year in the Ohio Wesleyan University, and after completing the Sophomore and Junior years, left college and taught one year in an academy in Missouri. In 1860 he and his brother S. E. Jenner commenced reading law with Honorable Thomas W. Bartley, in Mansfield, his native town, and they were both admitted to the Bar in 1863. Soon after he was admitted, Judge Jenner became a member of the firm of Bartley, Johnston & Jenner. In about a year Judge Bartley retired from the firm and moved to Cincinnati. Johnston was elected to Congress and died shortly after his term closed. S. E. Jenner, then a partner of Judge Bartley in Cincinnati, returned to Mansfield and the two brothers formed a partnership which continued until 1872, when S. E. Jenner entered into partnership with his father-in-law, Judge Bartley, in Washington City. Judge Jenner was also a partner for several years with Judge M. R. Dickey of Cleveland and with Judge Geddes. In 1864 he was appointed prosecuting attorney of Richland county, and was elected for two full terms. At the close of his second term, in 1869, he attended Harvard Law School for one year. With the experience he then had at the Bar, the year spent at Harvard was a very profitable one. That was about the time President Elliott became the guiding star of the university. Professor C. C. Langdell, whose case system has revolutionized legal instruction in the schools, had just started on his successful career. After Judge Jenner left the law school, he and his brother resumed the practice of law in Mansfield, and this continued until he was elected Circuit Judge in October, 1884, except the short time that Samuel E. was in Washington and John W. was on the Common Pleas Bench. The judge was for twelve years president of the board of education of Mansfield, and has always taken great interest in the schools of the city. October 5, 1895, he resigned the office of Circuit Judge to resume the practice of law, with S. E. Jenner and William McE. Weldon. Judge Jenner seems blessed with a mind and temperament that eminently fit him for judicial duties. His thorough preparation and large experience at the Bar made the labor pleasant for him. He possessed patience, industry, a comprehensive intellect, quick perception to see the true point involved in a controversy, however concealed beneath a mass of immaterial facts, and with an integrity of purpose that won the confidence of both the Bar and litigants He does not hesitate to express the highest gratification at the expressions of high commendation he has received from many sources as to his services on the Bench; but he says his friends are too extravagant in their compliments. We may give what occurred in the court room on the last day the judge was on the Bench in Fairfield county, a county that has become noted for being once the home of a Ewing, a Stanbery, a Sherman, a Hunter, a Brazee and many other illustrious lawyers. Judge Martin, who once adorned the Supreme Bench of our State, on behalf of the Lancaster Bar, in presenting resolutions as to Judge Jenner and his services on the Bench, used this language:

"I feel that if words served me, I would like to add something to this sincere testimonial of the Bar. Man and boy or boy and man, I have been an

intimate observer and somewhat of a participant in the legal controversies of this county and section of the State. I have seen many brilliant lawyers and able men upon the Bench, but I truly bear from the depths of my heart the voluntary testimonial here to-day, that Judge Jenner ranks inferior to none, and to say the least, the peer of the best. Now in a few days to retire from the Bench, prompted by circumstances eminently proper, he will go into that higher realm of our legal profession, where pecuniary rewards and fame will, undoubtedly, be liberal and long to him."

In 1868 Judge Jenner married Emma A. Mack, only daughter of Dr. John Mack, a senator from the counties of Richland and Ashland, in 1853. Her grandfather, Harry Ayres, married Jane Hoy, whose family was of Scotch origin. The courage and spirit of the soldier predominated in the family. They trace their lineage to William Hoy, who fought by the side of Argyle, on Flodden field, in 1513. Three brothers, descendants of that William Hoy, came to America in 1756. One of them, Peter, was a soldier of the Revolution. William, the father of Mrs. Jane Ayres, was Captain of a company in the War of 1812. The mother of Adam Poe, whose fight with the Indian chief, Big-foot, on the banks of the Ohio, in 1782, all school boys delight to read, was a daughter of one of these Hoy brothers. Judge and Mrs. Jenner have five children, two married: Mary Jenner Wagner of Mansfield; Florence Jenner Dann of Columbus, and Grace, Gertrude and Jack.

CHRISTOPHER P. WOLCOTTE, Akron. One of the able lawyers and extraordinary men of Ohio, who would not be old if still living, was Honorable Christopher Parsons Wolcotte. He was born at Wolcottville, Connecticut, December 17, 1820, and died at his home in Akron, April 4, 1863. At thirteen he came west with his parents, who settled in Steubenville. He aspired to excellence and the best things available in life. As a boy he was studious, energetic, hopeful, ambitious. His time was well employed. He entered Jefferson College at Washington, Pennsylvania, and was graduated in 1840, while yet under twenty years of age. Upon returning to his home he began the study of law in the office of Tappam & Stanton, at Steubenville, where he remained for three years. He was admitted to the Bar in 1843, and soon afterwards formed a partnership with General Lucius V. Bierce, at Ravenna, for the practice of law. He lived at Ravenna only three years, but during that short period proved himself a lawyer of ability and a man of probity and high aims. In 1846 he settled in Akron, where he continued in the practice until his death on the 4th day of April, 1863. Shortly after removing to Akron he formed a partnership with Honorable W. H. Upson, which was dissolved by his death. He was appointed attorney-general of Ohio by Governor Salmon P. Chase in 1846, and won fame as a lawyer while occupying the office. It became his duty as attorney-general to prosecute the Wellington Fugitive Slave case, and he performed the duty in a masterful manner. His argument in the case was singularly strong and great. The Supreme Court of

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Ohio paid him the exceptional compliment of ordering the argument published in full as a part of the report of the case. It was the first instance of the kind, and indeed it remains the only instance of the kind, in the history of the Supreme Court. Mr. Wolcotte continued to devote his undivided attention to the practice of law until he was appointed assistant secretary of war by President Lincoln, in May, 1862. He was assistant to the great war secretary, Edwin M. Stanton, and, like the latter, wore his life out in the public service. Early and late he toiled, sharing with his great chief all the anxiety incident to the mobilizing, equipment and command of large armies during the crisis of the Nation. Absolute confidence and the closest intimacy existed between Secretary Stanton and himself. His life was the noble sacrifice he offered upon his country's altar. He died of overwork, less than a year after assuming the overmastering duties of the war office. He had not reached his prime, or the full splendor of that meridian which marks the greatest successes of the most capable lawyers. He had lived long enough, however, to build for himself a character strong in its integrity and in the elements which make true men and good lawyers; a reputation for morality and well-doing, for the observance of private virtue and devotion to public duty—a reputation which history will not permit to die. Mr. Wolcotte was married to Pamelia Stanton, a sister of Honorable Edwin M. Stanton, the secretary of war. His two sons and their mother survive.

DAYTON A. DOYLE, Akron. Dayton Augustine Doyle has lived in Akron from childhood. He was born there September 27, 1856. His father, William Barnabas Doyle, was born at Doylesburg, Pennsylvania, a town founded by his forefathers. His mother, Harriet Sage, was a native of New York and the daughter of Martin and Mary Sage, of Wheatland, in that State. He attended the public schools of Akron and was graduated from the high school in June, 1874. For the next year he was employed by Paul Brothers, civil engineers, and acquired considerable fondness for the profession of engineering. He entered Buchtel College, however, and pursued a classical course, from which he was graduated in 1878, with the degree of A. B. He was dissuaded by his father from an immature purpose to become a mathematical engineer, and induced to study law. His first professional reading was in the office of Honorable J. A. Kohler, present judge of the Common Pleas Court of the district, and was continued one year. At the end of that time he entered the Cincinnati Law School and pursued the course of study, including the attendance upon lectures, to completion. He was graduated May 26, 1880, with the degree of LL. B., and soon afterwards admitted to practice in the courts of the State, by certificate of the judges of the Supreme Court, dated Columbus, May 27, 1880. Two years later, June 26, 1882, at Cleveland, he was, upon the proper motion, admitted to practice in the United States courts. While pursuing his literary and legal studies in school he improved

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Frank L. Baldwin.

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the vacations by working on a farm and in his father's lumber yard, thus acquiring an industrial education at the same time. In 1885 he formed a partnership with Frederick C. Bryan, which is still continued under the style of Doyle & Bryan. The same year he was elected city solicitor and re-elected in 1887. He managed some important cases and conducted litigation of great moment to the city during his official term. He was commended by the press for his "faithful, diligent, intelligent and efficient performance of the duties of the position." In 1890 Mr. Doyle became the executor of the estate of his father, who died leaving extensive business interests as a manufacturer of lumber and a contractor and builder. He carried on the several departments of this unfinished business successfully, as trustee for the heirs, for two years, constructing a large number of houses and contributing his full share to the prosperity of the beautiful city of his home and his pride. During this period he was obliged to relinquish his hold upon clients and give little attention to law business. After settling the estate, however, he resumed the practice with his aforetime vigor and success. His practice is general in scope, but confined to civil cases almost entirely, as he has no fondness for the criminal courts. His general knowledge and practical experience in affairs make him a safe counsellor. He also enjoys the friendly combats with brethren of the profession, which litigation always invites. His love of the law, no less than his fraternal spirit, is evidenced by membership in the Akron Law Library Association, the Ohio State Bar Association and Summit county Bar Association. He is also associated with two benevolent orders, as a member of McPherson Lodge No. 60 K. of P., through all of whose chairs he has passed, and Nemo Lodge I. O. O. F. From 1889 until 1896 he was one of the trustees of the Buchtel College and a member of the executive committee. Politically he has been allied to the Republican party from boyhood, and for the past dozen years he has been a working member, active and prominent in its deliberations and councils. He served as secretary of the county committee during the campaign of 1883 and 1884, and chairman of the city committee in 1895 and the county committee in 1897. Mr. Doyle was married April 23, 1884, to Miss Ida M. Westfall, daughter of Japheth Westfall, of Akron. From this union five children were born, four of whom survive: Dayton A., born 1885; Julia May, born 1887; Arthur W., born 1893; and Frank, born 1895. All are bright, animated and healthy.

FRANK L. BALDWIN, Massillon. Frank L. Baldwin is the second of three children of Pomeroy and Clara A. Baldwin—the others being Miller Collins Baldwin, born 1842, died 1880; and Pomeroy Baldwin, born December 30, 1847. He was born July 19, 1846, at Massillon, and has always resided there. He is in the seventh generation of descent from Nathaniel Baldwin, who emigrated from Cholesbury, Warwickshire, England, before 1639, to Milford, Connecticut. Some of his descendants settled early in Goshen, Litchfield county, in that State. They all seem to have been imbued with the earnest

religious sentiment of the times, and to have possessed that courage of conviction and of action which was such a notable characteristic of so many of the early emigrants to New England. Mr. Baldwin's grandfather, Pomeroy Baldwin, born in Goshen October 16, 1790, first visited Hudson, Ohio, in January, 1811, to look after some land that his father had bought, and, returning soon after to Goshen, married, on February 2, 1814, Ann Foote, of Norfolk, Connecticut, with whom he returned to Hudson to reside in 1817. On August 31st of that year he died of a fever contracted on the journey. At this place an important settlement had been made in 1799, composed of a colony formed by David Hudson, Esq., a man of sterling integrity, high morals and excellent business capacity and executive ability. Harvey Baldwin, a brother of Pomeroy Baldwin, married Maria A., daughter of Mr. Hudson, and he and his wife became the leading factors in every important enterprise and undertaking in the community. One of the more prominent institutions that owes its existence to their efforts, to a very great extent, is Western Reserve College at Hudson. Their lives were of the greatest good and highest usefulness, and on the ninetieth anniversary of her birth, in October, 1890, the citizens of Hudson gave Mrs. Baldwin a public reception in the town hall, where, with music, songs and speeches, they extolled her virtues and praised her many good deeds. March 19, 1818, Pomeroy, the only child of Mr. and Mrs. Pomeroy Baldwin, was born. His mother visited her brother, Mr. Luther L. Foote, a lawyer at Massillon, and there met and on January 18, 1825, married Arvine Wales, of Massillon, a farmer of large means, prominent in public affairs, of strong anti-slavery sentiment, and a friend and contemporary of Horace Greeley, whom, with other writers and speakers, he delighted to entertain. By this union there was one child, Arvine C. Wales, who graduated at the Harvard Law School, and became prominent as a lawyer, farmer and a senator at Columbus. Mr. Baldwin's father and mother were married December 10, 1840. She was a daughter of Jacob Miller, Esq., of Massillon, one of the associate justices of Stark county, under the old judicial system of Ohio, and sister of George Miller, a graduate of Washington and Jefferson College, a man of most scholarly attainments, a member of the general assembly of Ohio in 1844, and at his death, in December, 1850, one of the able lawyers of the county. For some years before his death, March 25, 1849, Pomeroy Baldwin was a merchant, and before that he was identified with the Massillon Rolling Mill Company, a corporation that then owned large mills and stores and many lots and farms about Massillon. Mr. Baldwin's early education was obtained in the public schools of Massillon. The first two years of his college life, 1863–1865, he spent at Western Reserve College, Hudson, and entering the Junior class of Yale College in 1865, he was graduated there in the class of 1867. He at once began the study of law with Alexander Bierce, of Canton, and for several months was at study and legal work in the law office of Ranney & Bolton, of Cleveland. He was admitted to the Bar at Canton, April 26, 1869. Soon afterwards he opened an office at Massillon, where he began practice, and has continued in the practice there to

the present time. In March, 1878, he formed a partnership with Mr. Anson Pease, under the name of Pease & Baldwin, which continued until Mr. Pease became a judge of the Court of Common Pleas on February 9, 1882, and was resumed February 9, 1892, when Judge Pease left the Bench, with the addition of Otto E. Young, a former student of Judge Pease, under the name of Pease, Baldwin & Young. After the death of his senior partner, December 16, 1896, Mr. Baldwin continued with Mr. Young, under the name of Baldwin & Young. Mr. Baldwin has been in many of the important cases arising in the west end of the county, but his inclinations never lead him to any great extent into the trial of causes. He has worked mostly at his desk, on documents, and has had more to do with the preparation of cases for trial, with the adjustment of differences, with the settlement of estates, as trustee in some form, or as attorney, and with commercial and financial transactions. In many cases he has, at the request of the court, served as referee, more especially in matters involving long and intricate accountings. He is always deliberate in judgment, cautious and conservative, and having once formed an opinion, or outlined a course of action, he holds to it most firmly. He weighs carefully all the statements a client makes, quickly anticipates what may be said or done on the opposing side, and never advises a lawsuit until all efforts at adjustment have been made and have failed. He is consulted often in family and estate matters, where experience and integrity of judgment are desired, and knowing, and being known to, every one in the locality, it is not too much to say he commands the esteem and respect of all. He has never desired or sought political or other preferment, his unsolicited elections to the school board representing his only public service. Arvine Wales, the principal executor of Charity Rotch's will, as directed by her will, and with her means, established the Charity School of Kendal, now an institution of Massillon, with a farm of one hundred and eighty acres, and large buildings and an invested fund, and managed it while he lived, and then his son, Arvine C. Wales, so long as he lived. Mr. Baldwin has been a member of its board of trustees for the past twenty-five years, and its treasurer for the past fifteen years. His parents having been Episcopalians, he is attached to that church, though not a member. He lived with his mother, most devotedly attached to her, until she died, January 10, 1892. On June 28, 1890, he was married at Massillon to Miss Annie J. Steese, only daughter of Dr. Isaac Steese, for many years a prominent banker there. They have no children. Both before and since their marriage they have travelled a great deal, in the United States and in Europe.

JOHN W. ALBAUGH, Canton. Honorable John W. Albaugh was born on July 4, 1844, on a farm in Tuscarawas county. His ancestors on his father's side were from Germany and on his mother's side from Ireland. As early as 1720 the branch of the family from which the judge is descended settled in Maryland. The records of these days afford only a few details of the part

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taken by them in the history-making events that took place on this continent during the eighteenth century, but these details are sufficient to show that they bore their full share in the dangers and responsibilities that fell upon all who were in any way conspicuous. In the War of 1812 we find the grandfather of our subject was engaged. He was born in Frederick county, Maryland, and moved to Carroll county, Ohio, in 1805. Here, in 1807, was born the father of our subject, who married Elizabeth Walters of Virginia, and at a later date moved to Tuscarawas county, where Judge Albaugh was born. His early days were spent upon the farm; he was of a retiring disposition and much given to study. He attended the public schools, and the learning there received was supplemented by a full academical education. He read law with James Patrick of New Philadelphia, and was admitted to the Bar on April 25, 1869, in the District Court of Carroll county. In October of the same year he took up his residence in New Philadelphia, and formed a law partnership with Judge J. H. Barnhill, which continued until 1873, when he was elected prosecuting attorney for Tuscarawas county. He was re-elected to the same office in 1875, serving two full terms terminating in 1877. Whilst completing his last term in this office in 1875, he formed a partnership with the Honorable J. F. Graham, which lasted until 1882. During this period he had made his associations among prominent men, who commanded the most important enterprises throughout this section, and to a great extent were interested in law cases of extreme importance. The ability of Judge Albaugh naturally led to his being employed in most of the important cases that were tried. In 1882 he left New Philadelphia and made his permanent residence in Canton. Here he formed a partnership with the honorable John C. Welty, which still continues, though it was interrupted in 1885 by the election of Mr. Albaugh as judge of the Circuit Court. This was when the Circuit Court was first established, and the law provided that upon the election of the judges the governor and secretary of state should cast lots to decide by whom the short or long term should be filled, and further, that the judge filling the short term should be the presiding judge of the court, in order that such presiding judge might at all times be the one holding the oldest commission. Judge Albaugh drew the short term and became the presiding judge of the Circuit Court. At the expiration of this term he was re-elected for the full term of six years without opposition, serving eight years in all. At this time he determined to resume the general practice of law. He felt that he had arrived at an age when if he permitted himself to remain longer upon the Bench the added years would prove detrimental to a successful resumption of general practice; whereas now, in the prime of life, with a mind stored with legal knowledge and matured by long judicial experience, and habits of research necessarily inculcated, he felt all the energy and confidence of renewed strength and vigor. Judge Albaugh is beyond the medium height, of somewhat slender build, of a calm, but high-strung temperament, a deep student, nervous, but with full command of himself at all times. He enters into his case with a depth and earnestness that show a thorough equipment, and a full possession of all the

facts, and all the authorities bearing upon the matter in hand. He is essentially thorough in all he undertakes. Either in the preparation or in handling a case in court he is equally strong. He is a good and fluent talker, deliberate and confident in his utterances; he always commands attention, and his thoughtful and well weighed sentences are invariably effective. Upon retiring from the Bench of the Circuit Court he left behind him a most enviable record. His decisions were very rarely reversed by the higher courts; but far beyond this, his admirers and friends included both lawyers and litigants, and indeed all who have been brought into contact with him. He has won the confidence and regard of all; his decisions were received with a consciousness that the evidence and legal merits of the case had been thoroughly and exhaustively inquired into, and that the decision arrived at, whether for or against, had been fairly and honestly considered and attained. In politics he has always been a consistent Democrat, and up to 1885 a very active and hard worker for his party; but upon being elected to the judiciary, he felt it incumbent upon him to abandon his partisan zeal, leaving to others the active party work, and confining himself to the impartial administration of the duties of his high office. He is to-day an influential adviser in the party and one whom leaders are pleased to consult with, and whose moral support and co-operation they are always anxious to obtain. On religious matters he is unsectarian and broad in his views, an earnest supporter of all moral and philanthropic movements that are brought to his notice, and he possesses an abounding sympathy for and with everything tending to mental and moral progress. He is a lawyer of the highest attainments, a safe adviser, a wise and discreet counsellor and a man of earnest convictions; free from all ostentation, genial and sincere in his friendships. He was married on August 16, 1866, with Miss Estella Seran of New Cumberland. They have two boys, Thurlow K., born January 29, 1868, and Alonzo Walter, born April 25, 1879.

JACOB P. FAWCETT, Canton. Mr. Fawcett was born at Boyce Station, Allegheny county, Pennsylvania, January 2, 1851. He worked on the farm until he was sixteen years of age, at which time his father died. He then removed with his mother to the town of Mount Union, Ohio, and entered the Mount Union College. Previous to this he had attended the public schools of his native State. He graduated at Mount Union College in 1871 and commenced the reading of law with William C. Pippitt, of Alliance. He was admitted to the Bar at Ravenna April 9, 1874, and immediately entered into the general practice of law at Alliance. He continued in the practice there until 1877, when he moved to Canton, and has since practiced in that city. In 1876 he was elected mayor of Mount Union, and from 1882 to 1886 he was a member of the Canton City council, serving as president of that body during the last year of his membership. He was chairman of the Republican county central committee for two years, and also served for the same length

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of time on the Republican State central committee. He has always been active in politics and is a strong and earnest worker for his party. In 1896 he exerted himself to the utmost during the entire campaign, being especially prompted by the high regard for and unbounded confidence in the qualifications of their candidate for the Presidency. In 1886 Governor Foraker appointed Mr. Fawcett to the position of judge of the Probate Court of Stark county, which had become vacant by resignation of the incumbent. He was elected to succeed himself in 1887 and again 1890, each time overcoming substantial Democratic pluralities in the county. In retiring from this office in 1894 he entered upon the general practice of law in Canton, which he still continues. He is an excellent lawyer; studious, careful and exact; a good speaker, effective with both judge and jury; while his large experience has developed in him a cautious and judicial mind and made him a singularly safe and conscientious adviser. He has achieved a good reputation as one who discourages litigation. He has been deeply impressed with the trouble, annoyance and even serious results of ill-considered and hasty action in rushing into court to seek redress for wrongs that very frequently arise from misunderstanding and from the want of calm, unprejudiced consideration. In such cases he invariably endeavors to bring the opposing parties into a personal interview, and by getting the statements of each of them when matters are in an early stage he naturally expects to hear the most extreme or even exaggerated statements from both sides. This enables him to arrive at a very fair conclusion of the merits of each side of the controversy. He exercises a remarkable influence over angry disputants; his calm, logical and business-like manner of presenting his arguments and suggestions rarely fails to awaken a responsive chord; while his promptness of action, firmness of decision and practical common sense compel attention to his utterances. His first effort is to reach an understanding and settlement out of court. When every effort in this direction has been exhausted, and provided he concludes to handle the case, he takes off the gloves and goes in to win, with the confidence and courage begotten of the honest conviction that he has a good case and a strong cause. Possessing a well balanced mind, educated to cautious and conservative action, equipped with legal training and experience of a high character, he is a strong lawyer and is held in high regard by both Court and Bar. In local matters he is quite prominent and active. Well considered measures for the welfare and improvement of the city are always certain of his support and assistance. He is a member of quite a number of social organizations and benevolent orders: Lodge 266 I. O. O. F.; Lilly Lodge 362 K. P.; Canton Lodge 68, B. P. O. Elks; and he is also a member of the college fraternity of I. A. E. On February 6, 1877, he was married to Miss Jennie A., daughter of Honorable John H. Mitchell, United States senator from Oregon. The union has been blessed with four children, all of whom are living: Mattie E., Howard B., Ralph M., and John A.

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CHARLES BOOTH, Ashtabula. Charles Booth was born at Ashtabula on the 15th day of January, 1814. His father, Philo Booth, who was a native of Connecticut, and a merchant, removed with his parents to Lenox, Massachusetts, and when he became of age removed thence to Trenton, Oneida county, New York, where he married Sophia Cooper, August 22, 1805. He afterwards engaged in the mercantile business at Rodman, Jefferson county, New York, but in the fall of 1813 started with his merchandise and household goods for Cleveland, Ohio. Since, on his arrival at Buffalo, it was impossible to secure transportation for his goods, he left the greater part of them, hired two teams to take his family and their personal effects to Cleveland by wagon, and arrived at Ashtabula on the 15th day of January, 1814. On that same day his son Charles was born, and this event influenced his determination to make his home at Ashtabula, where he resided until his death, June 27, 1852. He was a useful, enterprising citizen, and performed his part in building up the city. The Booths are descended from English stock. The first of the family in this country was Richard Booth, born at Cheshire, England, 1607. He came to America in the first half of the seventeenth century, and settled at Stratford, Connecticut, where he became prominent in colonial affairs. The direct line of descent from Richard is as follows: Joseph, Zachariah, Zachariah, Jr., Lemuel, Philo and Charles, the subject of this sketch. This is the American lineage. Back of Richard, founder of the American branch, the family can be traced in unbroken lineage to one of the Norman de Boothes, who came to England with William the Conqueror, in 1066. Sophia Cooper, Charles Booth's mother, was born at Huntington, Long Island, of English ancestors. The first of her family in America was John Cooper, who came in 1636, and in 1639 he was one of the twenty heads of families who formed the association which settled South Hampton, Long Island. The Coopers are from Buckinghamshire, England, and came across the Atlantic on the good ship Hopewell. Her father, John, was an only son, and a large landholder. Charles Booth's early education was in private schools and the Ashtabula Academy. Then he was sent to the academy at Austinburg, and from there to Hamilton College, Clinton, New York, where he remained one year. Returning to Ashtabula, he at once began the study of law, but later gave it up and went into the mercantile business with his father; but in 1840 he resumed the study of law in the office of O. H. Fitch. In 1842 he was admitted to the Bar, and at once commenced practice in partnership with Laban S. Sherman. After continuing in business about three years, the firm was dissolved. He afterwards practiced alone until his death, on the 27th of May, 1897. Mr. Booth had a host of friends. He was a gentleman of the old school. Though not a great trial lawyer, as a counsellor he was par excellence. In giving an opinion he did not rely upon the decision of cases in the higher courts, but after hearing all the facts and making a thorough analysis of the evidence, he would base his conclusions upon the fundamental principles of the law. He was seldom, if ever, wrong. Such was his reputation as a counsellor that lawyers would come from afar to consult with him on important legal questions that might come up in their practice. He

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studies with Judge Corwin, and in May, 1866, was admitted to the Bar and at once began practice at Urbana in connection with George M. Eichelberger. This partnership continued until 1879, when Mr. Warnock was elected to the Bench of the Court of Common Pleas, of Champaign county. He held the office of prosecuting attorney from 1868 to 1872. In 1875 he was elected to represent his district in the State Senate and served for the years 1876 and 1877. He was an active member of that body and took prominent part in shaping the legislation of those two years. He was a member of two of the most important committees—judiciary and corporations. When Governor Hayes was about to leave Columbus for Washington to be inaugurated as President of the United States, the general assembly of Ohio tendered the President-elect a reception, and Mr. Warnock was unanimously accorded the honor of making the farewell address in behalf of the Senate Judge Warnock's career on the Bench was eminently satisfactory both to the Bar and all others interested. His decisions were marked by impartiality and close adherence to principles of the law governing the case. He was very rarely reversed by the higher courts. At the end of his second term he declined a renomination and again resumed the practice of law with Mr. Eichelberger, and has continued in the same relation to the present time. He is the attorney for the C. C. C. and St. L. Railway and Ohio Southern Railway, and is one of the most influential and able attorneys in the county. His standing is best represented in the language of one of his colleagues at the Bar, who has known him intimately from his boyhood:

"It gives me pleasure to speak of Judge Warnock, because I can do so and speak the truth without any mental reservation. I have known him intimately for over thirty years and can say that in every position he has occupied, either as a lawyer, as a public servant, as a judge or as a citizen, his life has been above reproach. He is one whose life may be read as the pages of an open book, without causing the reader to, in some measure, lose respect for the author. As a lawyer his efforts are indefatigable in the interests of his clients. As a judge he was fair and impartial, that justice might be done; and as a citizen he has come as near being an example of the golden rule as any person of my acquaintance. In his practice he is a good all round lawyer. He is concise in his statements and accurate in his judgment on questions of law. As an advocate he is one of the strongest in this section of the State. He is a fluent and ready speaker, logical and clear in his statements and effective before a jury. One of his marked characteristics is the uniform courtesy that marks his intercourse with all men, whether at home, in his office, on the street or in the court room. I do not say that he makes no mistakes—he is human; but I do say that he is clearly living up to the light he has."

In his political faith Judge Warnock is a Republican, though not active in politics. In his religious creed he is a Methodist and is prominent in church affairs. He was one of the lay delegates from the Cincinnati conference to the general conference at Baltimore, in 1876. He holds the position of vice-president of the Third National Bank of Urbana. He is a member of the Masonic order, of the Grand Army of the Republic and the Loyal Legion. He was married August 20, 1868, to Miss Kate Murray, of Clark county.

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They have three daughters. Judge Warnock is quiet and refined in his taste, is well read in current literature, and the hours not devoted to his business are spent at home with his family.

WALTER SCOTT THOMAS, Troy. William J. Thomas and his son, Walter Scott, have been leading members of the Miami county Bar for seventy-five years. Walter's parents were William J. and Lucinda (Neal) Thomas, the former of Welsh descent and a native of Philadelphia, and the latter of Scotch origin and a native of Parkersburg, West Virginia. He was born at Troy on the 8th day of April, 1838. Robert Thomas, his paternal grandfather, was a native of Swansea, Wales, who came to America in 1790 and located at Philadelphia, Pennsylvania. Later he removed to Ohio and settled at Lancaster, where he died in the second decade of the present century. He established one of the first pottery manufacturing plants in the State at Lancaster and operated it until his death. William J. Thomas was prepared for college at the Lancaster schools and finished his literary education at the Ohio University at Athens. His legal education was obtained under the instruction of the elder Thomas Ewing. He was admitted to the Bar of Ohio, came to Troy in 1819 and opened an office for the practice of his profession, and for about fifty years was one of the prominent lawyers of western Ohio. He was one of the early postmasters of Troy, and later served as prosecuting attorney of Miami county for three terms, and also represented his district in the State Senate for two terms. He was one of the leaders of the Whig party in that section, but when that party coalesced with the new Republican party, he thereafter affiliated with the Democratic party. He died at Lawrence, Kansas, in 1869, at the age of seventy-three, of pneumonia, from the effects of a cold contracted while out hunting with a party of friends in that vicinity. Mr. Thomas's maternal ancestors came to America from Scotland in the early part of the eighteenth century, settled in the Shenandoah Valley of Virginia and became a large and influential family. They took an active part in the war for independence. Mr. Thomas's maternal grandfather was also a soldier in the War of 1812. His grandmother in early life was a wealthy slave owner, who, being too conscientious to hold human beings as chattels, freed her slaves and brought them with her to Ohio. The family located at Troy, where many of her descendants still live. She was a near relative to the mother of General Stonewall Jackson of Confederate army fame. Walter S. Thomas received his early education in the public schools of Troy. He was a member of the first class that was graduated from the high school in 1856, and was valedictorian of the class. In 1857 he entered the Sophomore class of the Miami University at Oxford, and was graduated from that institution in 1860, with the classical honors of his class, receiving the degree of Bachelor of Arts. Later in life his Alma Mater conferred on him the degree of Master of Arts. After leaving school he at once began the study of law in his father's office,

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which he continued for one year. He entered the Law Department of Harvard University in the fall of 1861, remaining there until the close of the school year in 1862. He was admitted to the Bar of Ohio in the same year, and immediately began the practice of his profession in partnership with his father, at Troy. The blood of his Revolutionary ancestors was too warm in his veins to permit him to remain at home in security and ease when his country called for help. In the fall of 1863 he entered the United States navy and was assigned to service in the squadron of the Mississippi, serving until the close of the war in 1865. Returning home, he resumed the practice of his profession. During the summer of the same year he was appointed United States commissioner for the Southern District of Ohio, and has held the office continuously to the present time. In the fall of 1865 he was elected on the Republican ticket for the office of prosecuting attorney of Miami county, and was re-elected in 1867. Later he served two terms as member of the board of education, part of the time as president of the board. In 1887 he became principal owner, and two years later assumed editorial control and management, of the *Miami Union*, the oldest Republican newspaper in the county, which he still controls. With this exception he has since his admission to the Bar devoted his attention entirely to the practice of law, and the firm of Thomas & Thomas, of which he is the head, has the full confidence of the business community. The practice of the firm is a general one in both the State and Federal courts. Mr. Thomas has found time to cultivate his literary taste and is also quite a linguist. He speaks both French and German fluently and is a writer of ability. His mind has been enriched by research in many fields of literature and by travel and observation in many countries. His travel has carried him over most of the inhabited parts of the North American continent, and he has toured in Europe twice, first in 1872 with his wife and son, and again in 1889, when he visited the Paris Exposition and spent four months on the European continent. He is a member of the Masonic order, a Knight Templar since 1869, and of the Knights of Pythias. He was married December 16, 1863, to Miss Isabella Stuart Collins, daughter of James and Sarah (Mitchell) Collins, of Fairport, New York, whose ancestors were among the early settlers of Vermont. Mr. and Mrs. Thomas have four children: Eugene Collins, in the newspaper business at Troy; Letitia E., Lucinda C., and Walter C. In speaking of Mr. Thomas's career at the Miami county Bar, one of the oldest and best known practitioners said:

"There are few better known law firms in this district than that of Thomas & Thomas. The father of the present members of the firm was among the early settlers of the county, and began practice here when courts were held in log school houses and one judge sufficed for a circuit that included Cincinnati, Dayton, Toledo and all intermediate points. He grew with the country, and being a good lawyer and faithful to the interests of his clients, he had a large clientage when his son Walter S. Thomas came into the business. The latter is a well educated and a well read man in the law and has maintained himself well in the practice. Some years after the death of his father a brother of Walter S. was admitted to the business, and the firm of

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Thomas & Thomas, as now composed, was formed. They are regarded as conservative and safe lawyers, and the firm has a very large practice which covers a wide territory."

ADDISON F. BROOMHALL, Troy. Mr. Broomhall is a native of Ohio born at Wilmington, Clinton county, July 22, 1856. His parents were Webb and Adelaide (Funkle) Broomhall, the former of English and the latter of German and English descent. John Broomhall, who came to America in 1732, was the founder. Both his paternal and maternal ancestors came to America in Colonial times. His father came to Ohio from Chester county, Pennsylvania, with his parents, when a child, and later in life married and settled at Wilmington, Clinton county, where he engaged for many years in merchandising. Addison received his early education in the common and high schools of Wilmington and Circleville, which was supplemented by a course at Wittenberg College, Springfield, Ohio. In 1879 he located at Troy, and took up the study of law under the instruction of Walter S. Thomas, a prominent practitioner of the Miami county Bar. After taking the prescribed course of two years he was admitted to practice by the Supreme Court and at once entered on the practice at Troy, in partnership with his preceptor. This association continued for two years, when the firm was dissolved. Since that time he has continued the practice alone. Mr. Broomhall belongs to that class who owe their success entirely to their own industry and ability. He has attained a position in the very front rank of the Miami county Bar without the aid of either money or influential friends. He is purely a lawyer, modest and unassuming in his manners personally, but he has the reputation of being aggressive to the verge of boldness in the interest of his clients. He has a high appreciation of the duties of the profession and the responsibilities of the attorney to his clients. He has a large practice, both general and corporation. He is the attorney for the C. H. & D. R. R. Company for Miami county, and has maintained himself well in his practice against some of the best talent in the State. Referring to his ability as a lawyer and to his leading characteristics, an old and prominent member of the local Bar says:

"Addison F. Broomhall is not one of the oldest members of this Bar, but he is one of the leading ones. He is succeeding because he deserves success. I have known him from a very young man and have watched his career with considerable interest. He has always been a hard student, and fortunately for him, he is physically constituted so that he can well withstand the task he puts upon himself. He is very conscientious in the discharge of his duty to his clients. He is not above the drudgery of the profession. His cases are prepared with painstaking care, and he fights to the last ditch for the interests he represents. He is at his best in the trial of cases before a jury or the court. He is alert and quick to perceive the advantage or mistakes of his adversary, and contention seems to act as a spur to his mind. He is at all times a pleasant and logical speaker, clear in his arguments and concise in his statements, and under the influence of strong feeling is both eloquent and brilliant. The professional side of his nature is public and well known; there is another side

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Harrison Wilson

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Francis Adams

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to his life that is not so well understood. During business hours he attends strictly to his business as a lawyer and does not permit outside matters to interfere with his practice, but when office hours are over he enters a new sphere in which his family and his library are the central figures. He has a decided literary taste, and his readings embrace a wide variety of subjects. He is of studious habits and in his researches has imbibed some ideas on economic questions that are not laid down in the platforms of either of the two great political parties, and has expressed these views forcibly both in public speech and in public print. While he has affiliated with the Republican party, he has advanced views on some of the questions of public concern, regardless of what others may say. This is one of his characteristics. He would rather be right than to be popular. He is absolutely devoid of ambition for political preferment; his highest ambition is to be a useful citizen. As a platform speaker he has more than a local reputation and is frequently called outside of the State to make addresses. He is held in high esteem by the profession locally, and in that wider circle with which practice in the higher courts has brought him into contact."

Mr. Broomhall was married in December, 1881, to Miss Estella Baird, daughter of Davis and Martha Baird of Troy. They have one son and one daughter.

HARRISON WILSON, Sidney. Colonel Harrison Wilson, one of the judges of the Second Circuit, is a native of Ohio. He was born on a farm near Cadiz, March 15, 1841. For several generations his ancestors lived in Virginia. His grandfather, Thomas Wilson, who served in the Revolutionary War for seven years and received wounds from which he never recovered, emigrated to Ohio when his father, Thomas Wilson, Jr., was only three years of age. The family settled in Jefferson county on military lands granted to the grandfather for his patriotic services in behalf of the independence and union of the American colonies. His mother, Mary Harper, also a Virginian, who was related through her father to the famous Jackson family of Virginia, died when he was only five years of age. He was thus deprived, at a period when it is most urgently needed, of the unselfish love, the tender sympathy and deep solicitude which only a mother feels for her child. When the judge was seven years old the family removed to a farm in the adjoining county of Belmont, and the ensuing period of six years was passed in farm work and attending the district school. At the age of thirteen his father placed him and his two brothers in the Albany Manual Training School in Athens county and then removed to Iowa, where he passed the remaining years of his life, dying in 1876. Judge Wilson matriculated in the Ohio University at Athens, in which he completed three years of the college course, teaching each winter to support himself at college during the remainder of the year. At the close of his Junior year he was teaching for a term, and one evening after school was dismissed he wrote on the blackboard, "This school closed until the war is over," walked eighteen miles that night and enlisted as a soldier, on the 21st day of June, 1861. He was mustered as a private in Company I, Twenty-fifth Ohio Volunteer Infantry, and served

in the ranks with his company in West Virginia until December 7th of the same year, when he received an appointment as second lieutenant. He was assigned to the Twentieth Ohio Infantry under its re-organization for three years' service. Serving with this regiment until the close of the war, he was advanced from the lowest rank of commissioned officer to the command of the regiment, without skipping an intermediate position. His promotions were successively to first lieutenant, captain, major, lieutenant colonel and colonel. For a period of nine months he also served as adjutant. Shirking no duty, asking no soft places, he was in all of the engagements under Grant from Fort Donaldson to Vicksburg; under Sherman from Chattanooga to Atlanta, and from Atlanta to the sea; through the Carolinas to Washington and in the grand review which marked the overthrow of the Rebellion. His bravery was attested by the medal of honor, conferred for "gallant services on the field," at the battle of Raymond. Colonel Wilson was a member of a fighting family. He is one of the six brothers who rendered honorable service in the Union army. His brother Lewis, who was first lieutenant and acting adjutant, was killed at the battle of Gettysburg. His brother William was a member of the Third Ohio Infantry and confined for months in the dreary Libby Prison. His brother Thomas, captain of a company in the Sixty-second Ohio Infantry, was severely wounded at Fort Wagner, and has never recovered. At the close of the war Colonel Wilson settled at Sidney and took up the study of law with the late attorney-general, James Murray. He was admitted to the Bar in 1873, and for six years thereafter was associated in partnership with General Murray—until the latter's death in 1879. From that time until his election as judge in 1895 Colonel Wilson continued in the practice at Sidney. He built up a profitable business from a large clientage. His employment covered much of the litigation in the courts of his own county and extended to numerous important cases outside the county. In 1895 he was chosen to the Bench of the Second Circuit for the residue of the term of Judge Shauck, who had been promoted to the Supreme Bench. At the November election, in 1896, he was re-elected for the full term, beginning February 9, 1897. He evinces marked aptitude for the work of a judge. His disposition to investigate cases and authorities, his general knowledge of the law, and his desire to decide correctly, all tend to cautious, deliberate action. His integrity of mind and honesty of purpose—his absolute incorruptibility—make him eminently safe in the disposal of large interests. The constitution of his mind is such as to give him a clear conception of the knotty questions sometimes involved, and his feeling of fraternity permits the fullest and freest interchange of opinions with his associates on the Bench. His urbanity and courtesy give him popularity with the Bar, and there is general satisfaction with his opinions. Judge Wilson was a capable trial lawyer and a strong advocate before he became a judge. Politically he has always been a Republican. His personal popularity made him an available candidate of his party for Congress in 1878, and while not hoping for election he was able to reduce the Democratic majority of five thousand down to eighteen hundred,

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and scare the opposition considerably. He is a Past Commander of Neal Post No. 62, G. A. R., and a member of the Ohio State Commandery of the Loyal Legion. He takes a lively interest in affairs of the organizations to perpetuate the history and memories of the war. Judge Wilson was married January 1, 1867, to Mary C. Fry, of Sidney, and the union has been blessed with a family of eight children. The home life of the judge is almost ideal in its happiness and hospitality. He has no occasion for the social pleasures of a club, when his home affords all the means of recreation and social enjoyment. There is about it and within it an air of refinement and purity, and its appointments, as well as its membership, conduce to restfulness and renewal of the vigor and vivacity essential to the best professional work, the activities of business, or the duties of social life.

CHARLES L. SPENCER, Xenia. The Spencers are of English descent. They came to America in colonial times and settled in Connecticut. The grandfather of Charles L. moved to New York early in the present century, locating in Herkimer county, where Newton Spencer, the father of our subject, was born. When a young man he came to Ohio, about 1838, and located at Newark. He was a miller and followed his trade. He married Miss Lucinda Trickey, of Pennsylvania ancestry. Charles L. was born in Newark, April 4, 1848. When he was seven years of age his father moved to southern Iowa and engaged in farming. In that new and, at that time, undeveloped country, educational advantages were meager, and were only such as could be obtained in the country district schools during the three months they were in session each year. The remainder of the year he assisted his father on the farm. He was an active, earnest boy, quick to improve his opportunities, and though his early education was confined to the rudiments, he supplemented this by general reading and study at home, until he reached the age of nineteen, when he entered the Ohio Wesleyan University at Delaware. He remained at that institution for five years, with the exception of a portion of three winters when he taught school. While teaching he kept up his studies and held his position in his class. His last experience as a teacher was as principal of the Xenia high school. Choosing the law for a permanent vocation, he began a course of reading with English & Baldwin, a prominent law firm of Columbus, Ohio, and afterwards with Noyes & Lloyd, of Cincinnati. He was admitted to the Bar in 1875 and began practice the next year at Xenia, in partnership with J. E. Hawes, who afterwards became judge of the Common Pleas Court of Greene county. This arrangement continued one year, when the firm was dissolved. Mr. Spencer was alone for two years and then became associated with W. J. Alexander in a partnership which continued six years. After that time Mr. Spencer was alone until the present firm was formed, in 1886. In his twenty years' practice at the Xenia Bar Mr. Spencer has made a fine reputation as a lawyer and built up a large practice. He has always been associated

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with strong men, Mr. Little in particular, his present partner, having a reputation for ability that is national, and a practice that extends to every court in the State. He has been honored by almost every office within the gift of the people of his district. He was first mayor of the city; prosecuting attorney two terms; member of the State legislature; attorney-general of the State; member of Congress, and presiding judge of the United States and Venezuela Claims Commission. Both members of the firm are what may be termed self-made men. They both began life with nothing but their native ability, and rose to their present eminence in their profession by their own exertions. Both in the character of their clientage and in the volume of their business, the firm is perhaps the leading one in Greene county. There are very few cases of importance that come before the court that this firm is not represented. This is particularly true of the cases that are carried to the higher courts. In politics Mr. Spencer is a Republican. He was married in 1885 to Miss Luella M., daughter of Andrew and Lavinia Currie, of Greene county. The family are members of the Methodist Episcopal Church and regular attendants, and socially stand high. The local standing of Mr. Spencer is voiced in the quotations below from the conversation of a very able representative of the Xenia Bar: "For a young man Mr. Spencer occupies a very enviable position at the Bar. The firm of Little & Spencer is conceded to be a leading one in western Ohio. Mr. Little has been a very conspicuous figure in this section for many years, and his personality, of course, has much to do with the large practice the firm controls. Mr. Spencer is a growing man. He is a well read lawyer and a safe and conservative counsellor. He is affable in his manners and personally is well liked. For the length of time he has been in practice, there are few men at this Bar who have a larger clientage. Mr. Little is himself a very able man and has always had able men for business associates, and Mr. Spencer is no exception to the rule."

JOHN E. SATER, Columbus. John E. Sater was born near New Haven, Hamilton county, Ohio, on the 16th day of January, 1854. His father, John J. Sater, was a farmer, and a native of this State. The Saters are of English descent. They came to this country prior to the American Revolution and settled in eastern Pennsylvania. His grandfather came to Ohio in the early days and was one of the first settlers in Crosby township, Hamilton county. His mother, Nancy Larison, was born in Ohio. Her parents came to the State from New Jersey and settled near Cincinnati about the beginning of the present century. Young Sater was left an orphan at ten, and his circumstances were such that he was compelled in a large measure to educate himself. He attended the country schools until he was thirteen; then entered a select school near his home, working in the spring and summer on the farm. At sixteen he began teaching and in this way, and from his work on the farm, earned a considerable part of the money with which he completed his education. In the

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ARCHIBALD MAYO.

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fall of 1871 he entered the Freshman class of Miami University, and remained through his Sophomore year. He then entered the Junior class of Marietta College and was graduated in the class of 1875, taking the second classical honor. Immediately after leaving college he was elected superintendent of schools at Wauseon, Fulton county, Ohio. The duties of this position he discharged with great credit, and to the entire satisfaction of the people of the district. Under his influence there was a perceptible improvement in the schools throughout the entire county. In the spring of 1881 he resigned his superintendency to accept the chief clerkship in the office of the State school commissioner at Columbus. This position he held until January 14, 1884. While engaged with the duties of this clerkship he commenced the study of law under the direction of J. H. Collins, who is counsel for the Baltimore and Ohio Railroad. After retiring from the office of the school commissioner he entered the office of Mr. Collins, where he remained until he was admitted to the Bar by the Supreme Court, on the 3rd day of June, 1884. He at once commenced the practice of law in Columbus, and has since continued. His practice can be termed a general civil practice. He has been identified with much important litigation. Among the important cases with which he has been connected may be mentioned the large and varied litigation growing out of the Great Southern Hotel, the Fifth Avenue Savings Bank cases, and the Masonic controversy. Mr. Sater has always been a student and hard worker. His standing as a lawyer is high at the Bar, and he has a desirable clientage. For several years past he has acted as counsel for the Citizens' Savings Bank, the Columbus Savings Bank Company, and other important concerns. He has given much attention to real estate law. While not making a specialty of this branch of the law, he is considered an authority on questions pertaining to land titles. In politics he is a Republican. For five years he was a member of the board of education and for two years president of the board. In 1889 he married Mary Lyon, of Wauseon. There are no children by the union.

ARCHIBALD MAYO, Chillicothe. For a score of years Mr. Mayo has been one of the best known lawyers of southern Ohio. He is descended from three old and notable families—the Mayos, numerous in Virginia; the Edwardses of Virginia, Kentucky and Illinois, and the Beales of Maryland, intermarried with the Edwardses. His mother's father was Heyden Edwards, who obtained from the President of Mexico a large land grant in Texas, while it was a province of Mexico, and afterwards became involved in the struggle for the independence of Texas. He was nearly related to the first governor of Illinois, and to that Benjamin Edwards who is recorded in the life of the eminent William Wirt as his early friend and patron. All the branches of Archibald Mayo's ancestry had gentility and courage, intellectual force and admirable social traits. His mother, a woman of great loveliness of character and remarkable beauty, died but recently at his home at the advanced age of eighty-seven

years. His paternal grandfather, Benjamin Mayo, was a gentleman of unusual attainments, who lived a long time in Philadelphia, where he established a school for young ladies, famous in its day, and published several text-books used in schools and academies. His father, Herman Boseman Mayo, received a liberal and classical education, read law with one of the most distinguished practitioners in Philadelphia, and afterwards spent some time in New Orleans studying the exceptional judicial system of that State, based on the civil law and the Code Napoleon. Having equipped himself for professional life by varied studies and wide observation, he settled in Cincinnati under most favorable conditions. His health soon broke and he retired to the suburban town of Oxford, where he lived the most of his life. Financial misfortune overtook him in later years, sweeping away the larger part of his property in Philadelphia and New Orleans, from which his income had been derived, and he followed his son to Vinton county, where he filled the office of Probate Judge for six years. Archibald Mayo was born at Oxford, June 11, 1839, but spent most of his youth in the home of his grandparents in Philadelphia, where he was prepared for college. His higher education was procured at Miami University, an institution located in his native town. When the first overt act of rebellion was committed he enlisted as a volunteer in the three months' service in a company made up of college boys. He afterwards engaged in teaching for some time, and while thus employed in Hamilton, took up the study of law, for which he inherited both taste and talent. He read with avidity and laid thoroughly well the foundation of his legal education. He was just admitted and had not yet begun the practice when his talents as a political speaker were recognized, and forthwith he was nominated as the candidate of his party and elected representative in the State legislature, where he greatly distinguished himself, his speeches on important questions being widely published by the press of the State. At the close of his service he formed a partnership with a fellow member and located in Vinton county, to engage in the practice of a profession for which his reading and study, no less than his ability and aptitudes, so amply qualified him. He was elected to the office of prosecuting attorney the first year of his practice, and again filled that office shortly after his removal, in the year 1870, to Chillicothe. For some years, as partner of Honorable Porter DuHadway, he had law offices in both Jackson and Vinton counties. From the time he entered upon the practice of his profession until the present his reputation as a lawyer and his fame as an orator have grown until neither is measured by the limits of the State. He has never been a plodder, and, while fond of the study of law as a science, has never taken pleasure in the daily routine or mere drudgery of an office. When his interest is fully enlisted, however, he becomes thoroughly absorbed in the matter in hand and labors with great intensity and dispatch. He may be depended upon to try a cause with remarkable skill. He discerns the main drift as by intuition, and no collateral question bearing upon the case escapes his observation. His tact in the presentation of evidence and the cross-examination of witnesses is at once the hope of his clients and the terror of his adversaries.

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His argument before the jury is massive and discriminating. He knows how to hurl in the facts and when to touch them tenderly; how to appeal with gentleness to sympathy and when to let loose the thunderbolts of denunciation. His mastery of a choice vocabulary gives him great power as an advocate. A few estimates and characterizations by members of the profession who know him thoroughly are appended:

One member of the Bar says: "Mr. Mayo's greatest ability is shown in the trial of cases as a merciless cross-examiner. His greatest power is in argument to a jury. The details of office work are very distasteful to him, but when that is done he is a powerful and polished speaker. He makes a very clear and logical argument in presenting the law to the court. He knows what forty-nine lawyers out of fifty do not know—when to stop."

Another lawyer says: "Mr. Mayo has added to a liberal education an immense amount of literary reading. Fondness for literature, in fact, is his leading characteristic, and this is so perhaps because that kind of reading contributes to his extraordinary talent as an advocate. He has also what is uncommon with brilliant talkers—a powerful analytical faculty. He is not fond of the drudgery of the profession. If his energy and fondness for work were commensurate with his lawyer-like talents his reputation would be national. He is kind, considerate, sensitive and graceful. In his companionship one forgets the significance of selfishness. His peculiar talents qualify him for great distinction in social life, but it seems he has never been especially fond of society. A few companions who have a fellow feeling in a literary way, and plenty of books, supply all his social requirements. He reminds one of what Johnson said of Burke: 'You could not meet him under a tree in a rainstorm without ascertaining at once that he was much more than an ordinary man;' and more—a man that you liked."

A third prominent Chillicothe lawyer says: "Mr. Mayo is regarded at this Bar as a very able lawyer, well versed in the principles of law. His qualities are best exhibited as a trial or jury lawyer, excelling as a cross-examiner and in presenting the facts to a jury. In this particular he has few equals and scarcely any superiors. In the argument of legal questions he is always forcible and clear, but his art is best shown in the arrangement and use of facts. His reading has been extensive, covering almost the entire field of polite literature and including almost all subjects. He has not been a casual reader, but has studied books so closely as to make the matter his own. In all of his addresses he has been able to use his extensive reading to great advantage. Socially he is an elegant conversationalist of rare powers, a gentleman of naturally fine taste. Having enjoyed advantages of excellent training in his youth, both in college and in cultivated society, he has acquired unusually easy, graceful and pleasing manners; whilst his large attainments, natural eloquence and remarkable sympathy make him a delightful companion. His temperament is peculiar; he has his moods. We do not know whether it is owing to a lack of inclination or because of mental prostration; but we have at times listened to Mr. Mayo when he would speak hesitatingly and with great difficulty, grasping at ideas and appropriate words like a bashful school boy. It is possible that his mind requires the stimulus of a great occasion to insure freedom of action with the best results. Certain it is that he always rises to such an occasion, and when one listens to his impassioned utterances it is difficult to believe that he could ever be found groping for the best words to express his ideas."

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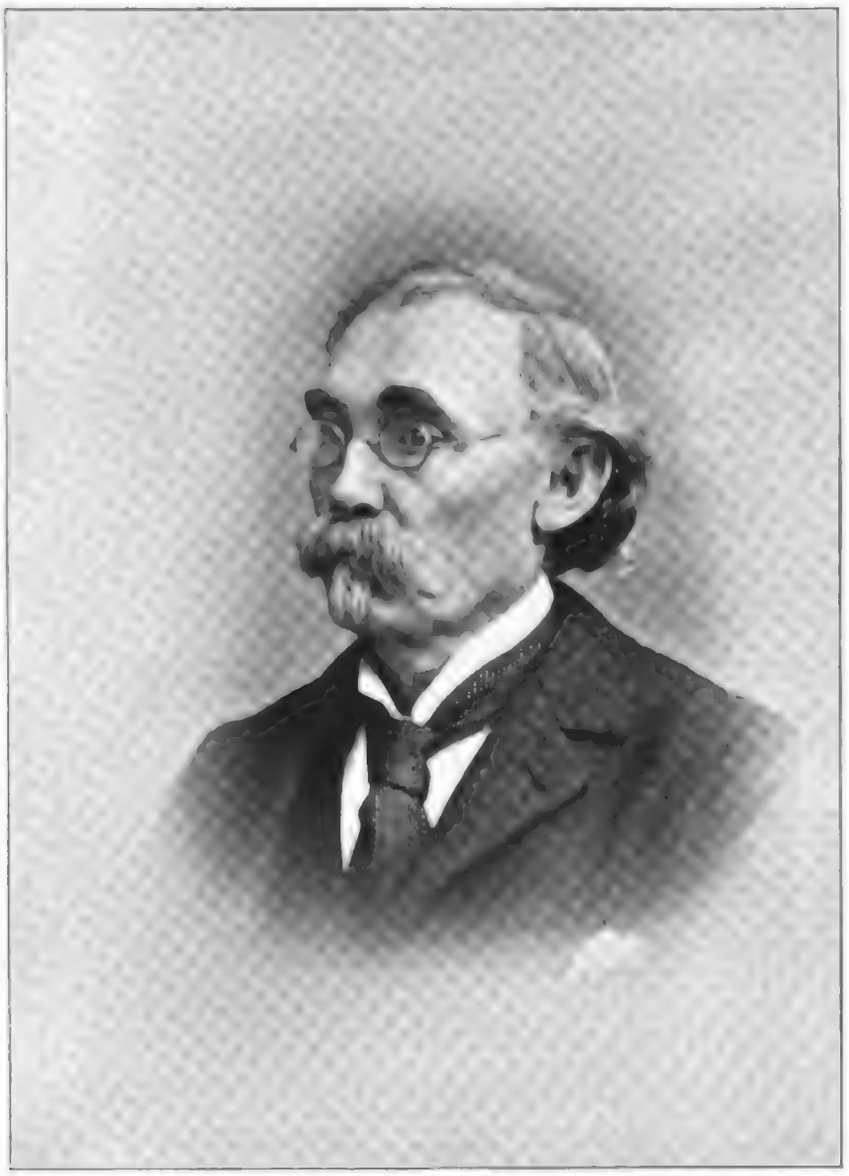

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H. L. DICKEY.

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years of successful practice, and worked incessantly to prove himself a worthy successor. From that beginning he has continued in the practice of law nearly forty years, interrupted only by the breaking down of his health for a brief period and absence from home in official position. Continuous application to the details of office work and the exacting duties of a trial lawyer, after some years, impaired his health and he found recreation in his former pursuit of civil engineer. Accepting appointment at the hands of the county commissioners to superintend the construction of a system of turnpikes in the county, he surveyed the lands to be assessed for the improvement and supervised the work until more than a hundred miles of excellent roads had been constructed within a period of three years. With renewed energy and restored health he resumed the practice of law, engaging interchangeably in both civil and criminal business. He has, through all the years, been essentially and primarily a lawyer, practicing in all the courts of the State and, upon the motion of Justice Stanley Matthews, admitted to practice in the Supreme Court of the United States. And yet he has frequently turned aside for the excitement of political campaigns and the allurements of public office. He started in political life as a Democrat of the Douglas school, and has supported the Democratic party consistently. In 1860 he was nominated and elected to the State legislature, overcoming an adverse majority. Two years later he was defeated for re-election by the candidate of the Union party, a name adopted by the Republicans during the war in order to popularize their canvasses. In 1867 he was elected to the State Senate, and rendered the country honorable service in supporting Judge Thurman for United States senator and defeating Vallandigham. In 1876 he was elected to Congress as the nominee of his party and attended both the extra and regular sessions of that body. In 1878 he was re-elected, serving until March 4, 1881, when he retired to private life, resumed the practice of law and engaged in banking. While a member of Congress he was instrumental in curing the defects and quieting the title to large bodies of land situated in the Virginia Military Reservation in Ohio, by a bill introduced by himself and pressed to passage. He was one of the organizers of the Commercial Bank at Greenfield, of which he has been the president for some time. Mr. Dickey is an orator and political debater of unusual force and ability. During the war he delivered many patriotic addresses to encourage enlistments of volunteers, and gave loyal support to the government. In the legislature he supported the measures designed for the vigorous prosecution of the war. In his canvasses before the people as a candidate for political office he has usually challenged his competitor to engage in a joint discussion of issues, and has always exhibited a fearlessness in the presentation of his case before a public audience. He has been twice honored with the nomination for judge of his district by the Democratic party, and at each election received support far beyond the strength of his party; but the district being very largely of opposite politics, he failed of election. He is not infrequently called upon to address public meetings of a non-partisan character and is always heard with interest and attention. The social and benevolent traits of his

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character are to some extent suggested by membership in the order of Free and Accepted Masons, which has been continuous for forty years, and charter membership in McLain Lodge K. of P. His moral and religious propensities are indicated by activity in behalf of temperance reform and membership in the Presbyterian Church, with which he united in 1877. He rendered valuable service toward securing, and always exhibited commendable public spirit in favor of railroads, water works, electric light plant and whatever has tended to improve the city and inure to the comfort or convenience of the citizens. Mr. Dickey was married January 2, 1861, to Miss Mary L. Harper, of Greenfield, just in time to spend the honeymoon in the Ohio legislature. Their sons and daughters are Harold A., Charles A., Mrs. Bessie H. Heiskell, and Mrs. Clara A. Devoss, all of whom live at Greenfield.

HENRY C. VAN VOORHIS, Zanesville. Mr. Van Voorhis is a native of Muskingum county, born on his father's farm in Licking township, May 11, 1852, of Anglo-Teutonic parentage. His parents were Daniel and Jane (Roberts) Van Voorhis, the former a native of Washington county, Pennsylvania, and the latter of Muskingum county, Ohio. The founder of the American branch of the Van Voorhis family came to America and settled on Manhattan Island, while New York was yet a Dutch colony. The date was about 1660. His posterity scattered over the middle and western states. John Van Voorhis, the grandfather of Henry C., was a native of New Jersey, but settled in Pennsylvania about the close of the Revolutionary War. He removed with his family to Ohio in 1812 and settled on a tract of land in Muskingum county; took an active and honorable part in opening up the country and left a competence for his posterity. Daniel, his son, and the father of the subject of this sketch, followed the vocation of an agriculturist all his life and became one of the most prominent and influential farmers in the county. He represented the county in the legislature during the years 1860–61. He was also a member of the Ohio Constitutional convention in 1871–72. Mr. Van Voorhis's maternal ancestors came from England and settled in Virginia in colonial times, his mother's family removing to Muskingum county shortly after the territory was ceded to the United States and opened for settlement. Henry C. was reared on the farm; in his boyhood and youth he attended the school of his district in Licking township. At the age of seventeen he entered Dennison University, at Granville, Ohio, remaining there for three years. In 1872 he began the study of law under tutorship of Judge Evans, in the office of Evans & Beard, of Zanesville. In August, 1874, he was admitted to the Bar. In the winter of 1874–75 he attended the Law Department of the Cincinnati College, and the following spring began the practice of law at Zanesville, in partnership with Captain A. H. Evans. Two years later he formed a partnership with A. A. Frazier. This association remained in effect until 1885, when Mr. Van Voorhis was elected president of the Citizens' National Bank, a position

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Gilbert D. Munson

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he retained until 1892. In that year he was made the Republican nominee to represent the district in Congress, and was elected, and re-elected in 1894 and again in 1896. Mr. Van Voorhis was a successful lawyer, but was not prominent in the practice after his election to the position of bank president, the affairs of the bank and his private business making a large draft on his time. Before taking his seat as congressman he resigned the office of bank president; but is still a director and stockholder. He possesses the esteem of the profession and the confidence and respect of the community. Said one of the old and prominent practitioners of the Zanesville Bar, in reference to Mr. Van Voorhis's ability as a lawyer and standing as a business man and citizen:

"Mr. Van Voorhis while in active practice was a very successful lawyer. He had influences behind him that materially assisted him; but he has ability, and being an indefatigable worker, he would have succeeded without this help, but his rise might not have been so rapid. He was more of a chancery than a trial lawyer, though his practice was a general one. Had he elected to devote his entire time and attention to the profession he undoubtedly would have attained a prominent position. Hard work counts more than brilliancy in winning law cases and Mr. Van Voorhis has ever been a worker in whatever position he has been placed. When a young man at school he was a conscientious student; in the study of law he was thorough; and in practice he never slighted the drudgery of the profession. He proved himself to be a successful business man and banker, and as a member of Congress he belongs to the active working element and is one of the best ever sent to the House from this district. His natural ability, supplemented as it is by a thorough business training, makes him a valuable member where trained talent is all too scarce. He is at present on the committee of banking and currency and has charge of the bills on the floor of the House reported by that committee. Personally he is of an accommodating disposition, courteous and affable in his manners and of strict integrity. That he has three times been elected to the same office when there are several other men in the district who would be quite willing to serve in the place, is the best comment on his standing in the community and the estimate placed on his ability by the public."

He was married in 1875 to Miss Mary A. Brown, daughter of Judge William H. and Margaret Brown, of Perry county. They have two sons and two daughters.

GILBERT DWIGHT MUNSON, Zanesville. Honorable Gilbert D. Munson, judge of the Common Pleas Court, First Subdivision, Eighth Judicial District, is a native of Illinois, born at Monticello, September 26, 1840. His father's family were of English and his mother's of Scotch origin, but both families had become distinctively American by a residence of over two centuries in the colonies and States. Captain Thomas Munson, the founder of the American branch of the family, came to America in 1637, and located at Hartford, Connecticut, but shortly after settled permanently at New Haven. The records show that he took a leading part in the stirring events of those days, as soldier, legislator and judge. The stone, with inscription of name, date of birth and death, which marks his burial place, is still to be seen back of the

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old Presbyterian church on the college green in New Haven, Connecticut. Barkhamsted, Connecticut, was the native place of Professor Horace D. Munson, the father of Judge Munson, a lineal descendant of Captain Thomas Munson. He married Mary B. Griggs, of Brimfield, Massachusetts. Judge Munson began the study of law in the office of Judge Lucius P. Marsh, of Zanesville, in the fall of 1860, but long before he had completed the prescribed course, the call for volunteers to maintain the Union was made, and in July, 1861, he enlisted as a private soldier and at once went into active service with his regiment. He participated in the capture of Fort Donaldson, battle of Shiloh, the siege of Vicksburg and the Atlanta campaign, in Sherman's march to the sea and north through the Carolinas and to Washington, D. C., and the "Grand Review" at the collapse of the Confederacy. He was promoted to orderly sergeant, second lieutenant, first lieutenant, captain, major and lieutenant colonel, while in the service. He commanded his regiment from the time it entered North Carolina until its final discharge in July, 1865. In the fall of 1866 he entered Columbia College Law School, New York City, for the purpose of completing his legal studies. He took the Junior and Senior courses of study in one term, and was admitted to the Bar in New York in 1867. Returning to Ohio, he entered upon the practice of his profession at Zanesville. He soon afterwards received an appointment of register in bankruptcy, an office which he held for seven years, resigning in 1874. For a period of two years during this time he was in partnership with Judge Moses M. Granger, under the firm name of Granger & Munson. From 1872 to 1883 he practiced alone. In the latter year he formed a partnership with John J. Adams (now one of the judges of the Circuit Court of the Fifth Circuit of Ohio), under the firm name of Munson & Adams. This association continued until Mr. Munson, in 1893, was elected to the Bench of the Court of Common Pleas of the First Subdivision of the Eighth Judicial District. He was elected without opposition. In his political affiliations Judge Munson is a Republican. He was married June 6, 1872, to Miss Lucy S. Potwin, daughter of Honorable Charles W. Potwin, a prominent merchant and banker of Zanesville. They have one daughter living, Miss Sarah Munson.

JAMES TRIPP, Jackson. Mr. Tripp was born October 17, 1824, at Cannonsburg, Washington county, Pennsylvania. Emigrants of his name, from the Isle of Man and from Wales, settled in Connecticut, but that they were his ancestors cannot now be fully established. His ancestors, about the time of the Wyoming Valley massacre by the Indians, moved from Connecticut to Pennsylvania. His father was a farmer, contractor and builder. His paternal grandmother was of German descent, and was born in eastern Pennsylvania. His maternal grandfather, Haft, was of English descent. As a boy he had the benefit of good common schools and a local academy, but never received the advantages of a collegiate course or liberal scientific instruction. He read

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law at Carrollton, Ohio, with his brother, John H. Tripp, and afterwards for three years with R. C. Hoffman, then of Jackson, but now a resident of Columbus, Ohio. He was admitted to the Bar at Portsmouth, in 1857, on the recommendation of a committee of which Colonel O. F. Moore and Wells A. Hutchins were members. Immediately thereafter he located in Jackson and began the practice of his profession, to which he has been devoted ever since. In 1858 he was elected prosecuting attorney for the county of Jackson, Ohio, and was re-elected in 1860. Up to the time of his first race the county had been Democratic, but the majority was reversed in that election and has continued to be Republican down to the present time. Judge Tripp advanced in his profession by mastering the principles of the law and becoming familiar with the textbooks and statutes. He seldom turned aside from his profession for political office, and never except at the earnest solicitation of his friends and neighbors. In 1863 he was elected to the legislature, and was re-elected in 1865. In that body he was active and influential in support of all measures for the vigorous prosecution of the war and the unquestioning support of the National government. He was also active in the organization of regiments and batteries to fill the quota allotted to Ohio, and accepted appointment by the governor in 1864 as commander of a battery of Ohio National Guards, which was mustered into the United States service for one hundred days, and was assigned to duty at Johnson's Island, in Lake Erie. In 1872 he was elected a member of the Constitutional covention, attending the sessions held at Columbus and Cincinnati. His general acquaintance with the people and wants of the State, no less than his broad and critical knowledge of the law, qualified him in the highest degree for membership in such a body. The records of the convention indicate clearly his activity and influence in the preparation of a new Constitution for the State. When submitted for adoption the new Constitution failed to receive a majority of the votes cast, but many of its more valuable provisions have since been adopted by popular vote of the people, and are now amendments to the Constitution of the State. In 1878 he was elected judge of the Court of Common Pleas for the Seventh Judicial District of Ohio, and held the position for two full terms of five years each. No better commentary on his judicial character, insight into legal questions, and impartiality in the trial of causes is needed than the simple mention of a fact which is of record, namely, that his decisions were reversed in only two cases of the whole number appealed to the Supreme Court during his ten years of occupancy of the Bench. Since his retirement from the judgeship, in 1889, Judge Tripp has been engaged in the practice of his profession, and connected with most of the important cases which have been tried in Jackson county, as well as in some other counties. His talents have been employed in an honorable way to protect the interests of his clients and promote the ends of justice. Members of the Bar who have been associated with him in practice, and who have had cases decided by him on the Bench, speak in the highest terms of his honor, integrity of purpose, freedom from bias and painstaking habit of investigation. One of the oldest of them, who has known him long and intimately, says: "Judge Tripp

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is entirely truthful, perfectly honest, exceedingly fair, not quick in making up his mind, but firm when his opinion is formed. As a judge he had good executive ability, was clear in expression, and impartial in the statement of an opinion. He knew no friends or enemies while on the Bench. He is a careful, well balanced lawyer, equally efficient in law and equity cases." Judge Tripp was married in 1849, to Miss Christina Smeltz, who died October 24, 1882. Nine children were born to them, two sons and seven daughters, three of whom are dead. William L., the eldest, is a mechanic; Kate is the wife of Charles H. Warth, cashier of the National Bank at Muskogee, Indian Territory; James M. succeeded his father on the Common Pleas Bench for a term of five years, and declined a re-election because of his preference for the practice. He is the father of two sons, and is now (1895) in partnership with his father, under the firm name of Tripp & Tripp. Mary L. is the wife of Tom Moore, editor of the *Jackson Sun;* Gertrude is the wife of Frank Ellsworth Stewart, travelling salesman, Kansas City, Missouri; Stella lives at home with her father. Judge Tripp is an upright citizen, highly esteemed by his neighbors, and has long been a member of the Masonic fraternity, and of the Methodist Episcopal Church.

WILLIAM DOW JAMES, Waverly. To be called by the people to such a position of trust and responsibility as presiding judge over the court nearest them, is a public recognition both of ability and integrity in the man. But however gratifying this evidence of trust and confidence, it is a less distinction in the judge than the well known fact that he fitted himself for such honors and gained the necessary knowledge to enable him to properly discharge such duties, by his own individual efforts. It is worthy of note to pass examination before the learned judges of the Supreme Court and be admitted to the Bar under the circumstances most favorable to preparation, but a greater honor to pass such an examination entirely unaided. Mr. James bought his books, and paid all the expenses of preparation for the law out of his own earnings while a student. He was largely self-taught and wholly self-reliant; and the popular knowledge of these facts commended him to the suffrages of the people as a candidate for an office intimately related to their interests and their rights. He is the son of David and Charlotte Beauchamp James, born near Piketon, the first county seat of Pike county, December 1, 1853. He is of German extraction. His ancestor, John James, emigrated to America in 1750, located in Bedford county, Virginia, and became the head of a numerous posterity. John, a favorite name in the family, was the name of the grandfather of our subject, who was second generation from the founder of the family in America, and whose father's name was also John. The grandfather was born in 1785, and came to Ohio shortly after the Northwest Territory was ceded to the general government and thrown open for settlement, and settled in Gallia county. He resided with his parents until 1805, when he removed to Pike county, and later married a Miss Allison,

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locating in Beaver Valley, ten miles from Piketon. Nine sons and daughters were born of this union; among the number was David, the father of our subject, who married Miss Charlotte C. Beauchamp, and became a prominent, successful farmer in the community. Here William Dow James was born and reared. He remained at home, attending the public school and receiving lessons from private instructors, until he was about the age of twenty, when he began the study of law, under lawyer John T. Moore. This was continued until Mr. Moore removed to Jackson in 1875. He then prosecuted his studies with George D. Cole, teaching school in the winter and devoting his time to his text-books in summer. This course was pursued until the spring of 1877, when he was admitted to the Bar. He began to practice at Piketon, but only remained there four years, when he removed to Waverly, the county seat of Pike county, his present home. In 1879 he was elected mayor of the town of Piketon and held the office until he moved to Waverly. He continued in the practice of his profession in Pike and adjoining counties until 1893, when he was elected to the Bench of the Common Pleas Court in the second subdivision of the Seventh Judicial District. The conscientious work done for his clients and the thoroughness shown in preparing his cases kept his practice constantly growing, so that for ten years previous to his elevation to the Bench, there was not a case of importance tried in Pike county with which he was not connected as counsel on one side or the other. He made quite a reputation during these years as a criminal lawyer, and the one case that gained for him the greatest notoriety was that of a man named Isaac Smith, charged with the murder of his cousin. There was no direct evidence to show that he was guilty as charged, but the circumstantial evidence was so strong that he was found guilty in the Court of Common Pleas and sentenced to be hanged. Judge James took an appeal to the District Court, but the finding of the lower court was sustained. Again he appealed to the Supreme Court, where the judgments of the lower courts were affirmed. Thereupon application was made to the board of pardons for commutation of the sentence to life imprisonment. This was recommended by the board to James E. Campbell, then governor, who, after a full hearing of the evidence and arguments of counsel, commuted the sentence as recommended by the board. The honorable mention of Judge James's connection with this case by the Bar and public press, gained for him a wide acquaintance and consequent increase of business. His professional reputation rests largely on his success as a trial lawyer, and his reputation as a man is equally high all over the district. He was married in 1882 to Miss Terrena Vulgamore, of Portsmouth, Ohio. A lawyer who knows him thoroughly says: "The first noticeable characteristic of Judge James is his courteous and affable manner both on and off the Bench. The second characteristic is his remarkably clear and logical mind, having in high degree that power so essential to the successful lawyer—discrimination, and the ability to make a correct application of the law to the facts of the case; a third is his painstaking care in the preparation and trial of his cases. On the bench he is never hurried in arriving at his decisions, but when

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New England and were cultured people. His grandfather came to Ohio early in the present century and located at Athens, where he was a practicing physician for many years. His father, Leonidas Jewett, was a lawyer and attained prominence in his profession. His mother, Elizabeth Robinson, was a native of England, but was brought to the United States at an early age. Leonidas M. was born at Athens, November 22, 1844. He was educated in the Ohio University at Athens, from which he was graduated in 1861, at the age of eighteen. It was at a period when recruits were enlisting under the first call for seventy-five thousand volunteers for the Civil War, and, true to the patriotic impulses of his New England ancestors, he was among the first to offer his services. He enlisted in the Third Regiment Ohio Volunteer Infantry, in the three months' service. He was among those who re-enlisted; was transferred to the Sixty-first Ohio Volunteer Infantry, and was appointed to the post of adjutant of the regiment. In April, 1862, he was promoted to a captaincy and commanded Company C, the color company, and served in that position until the close of the war, when he was honorably discharged with the brevet rank of major. His regiment was first attached to the Army of the Potomac and participated in the battles of Second Bull Run, Fredericksburg, Chancellorsville, Gettysburg and other engagements, under different commanders, until September 25, 1863, when it accompanied Hooker's corps to the department of the Cumberland, and was with that intrepid commander in the battles of Lookout Mountain, Mission Ridge, and all the battles of the Atlanta campaign, including the fall of Atlanta. His entire military service was hazardous as well as honorable. On his return from the war, following his original intention, he began preparation for the Bar under his father's tuition, and in the fall of 1865 was admitted. He immediately entered into partnership with Rudolph De-Steiguer, under the firm name of De-Steiguer & Jewett, which soon became one of the most prominent and best known law firms in southeastern Ohio, with practice in all the courts of that section. In January, 1867, Major Jewett was elected prosecuting attorney of Athens county and filled the office continuously until 1880. He has repeatedly been offered important political positions, but invariably declined any office outside his profession. In the thirty years at the Bar of Ohio he has built up a very large and lucrative practice, much of which is in the higher courts. He has made a high reputation as a corporation lawyer and represents several local companies, but his practice is general. In politics he is a Republican, and is active and prominent in his neighborhood in organizing the party and conducting political canvasses. He has often been chairman of the Republican executive committee of his county, and is an ardent and enthusiastic Republican. He frequently represents his county in judicial, Congressional and State conventions. He takes great interest in the affairs of the Ohio University and is a member of its board of trustees. He has also taken great interest in the erection and care of the soldiers' monument at Athens. He is prominent in social circles and is a member of the Masonic order, of the Grand Army of the Republic, and a member of Kappa Chapter, Beta Theta Pi. He was married September 27, 1871, to Miss Ella Reynolds, of Martinsville, Indiana.

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SAMUEL W. COURTRIGHT, Circleville. Judge Courtright was born on his father's farm in Walnut township, Pickaway county, Ohio, December 9, 1842. His parents were Honorable Jesse D. and Sallie (Stout) Courtright, the former a native of Fairfield county, and the latter of Pickaway county, Ohio. The Courtright family were of Dutch and the Stout of English descent, but both have been for so lang a period residents of the new world as to almost have lost their foreign identity. Judge Courtright is a lineal descendant of the Von Courtrights who came to America from Amsterdam in the seventeenth century and settled on Staten Island when it was yet a Dutch colony. Jesse Von Courtright, of Revolutionary fame, was a captain in the Continental army, and served during most of the seven years' struggle for independence. After the termination of the war he removed to Pennsylvania, and in accordance with his Democratic principles, dropped the title prefixed to his name, which from thenceforth went down to posterity as Courtright. John Courtright, the grandfather of the judge, came to Ohio with his family from his Pennsylvania homestead in the year 1802, travelling over the mountains and through the forests in a three-horse wagon, and settled in Fairfield county near Royalton. He became a large land owner and a prominent and progressive citizen, building the first brick house in his community. From the Fairfield county homestead the family scattered, Jesse D., the father of our subject, locating in Pickaway county. The Stout family came to Ohio in the latter part of the eighteenth century and settled in Fairfield county, where some branches of the family still reside. Judge Courtright was sixth in a family of nine children, and, like other farmers' sons of the period, his boyhood days were spent between the district school house and assisting with work on his father's farm, the farm receiving the greatest proportion of his time. His common school education was supplemented by a course at the Salem Academy, which he left in 1861 to take up the study of law in the office of D. M. Jones of Circleville. Scholarship cannot be measured by the length of time spent in college, but is correctly gauged by the degree of perseverance with which the student pursues his studies. Young Courtright has been a hard and faithful student and was well advanced when he took up the study of law. In October, 1862, he entered the Law Department of the Cincinnati College, from which he was graduated in 1863 with the degree of LL. B. He at once began the practice of his profession in Circleville. His qualifications and native ability were soon recognized by the public by electing him the next year to the office of city solicitor, to which he was re-elected at the close of his first term. In 1867 he was elected prosecuting attorney of Pickaway county, serving in that capacity for two terms. In 1875 he was elected to the Bench of the Court of Common Pleas, of the Third Subdivision of the Fifth Judicial District, without opposition, and at the time was the youngest judge in the State. He retained the position for five years, since when he has given his time entirely to his practice and to his private business. In his practice he has been eminently successful and has gained an honorable distinction both as a jurist and as a lawyer. For over a quarter of a century he has been

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prominent in his profession, recognized and honored as a public-spirited citizen and a leader in his community. In politics he is a Democrat, and though he has helped many others to get into office, he has never accepted office for himself outside his profession. He has, however, held many positions of trust without remuneration. He was for a number of years a member of the board of education of the union schools, serving for five years as president of the board. He served on the military staff of Governor George Hoadly from 1884 to 1886, with the rank of colonel, and rendered important services during the Cincinnati riots of 1885. He was also an important member of Governor Campbell's staff, ranking as formerly, under Governor Hoadly, from 1890 to 1892. He was for a number of years, by appointment of Supreme Court, a member of the board of commissioners for examination of candidates for admission to the Bar. He is prominent in fraternal circles, being one of the widest known Masons in the State. In that order he is now and has been Worshipful Master of Pickaway Lodge No. 23, Free and Accepted Masons, is M. E. High Priest of Circleville Chapter No. 20, Royal Arch Masons, and is serving in that capacity for the twenty-second year. Has been thrice Illustrious Master of Tyrian Council No. 60, Royal and Select Masters, and Eminent Commander of Scioto Commandery No. 35, Knights Templar. Was Grand Master of the Grand Council of Royal and Select Master for three years, declining a re-election. In Scottish Rite Masonry, has attained the thirty-second degree. Has been Grand Dictator of the Knights of Honor of Ohio and was thrice representative to the Supreme Lodge. He is also Past Chief Patriarch of the order of Odd Fellows, and is an active member of the Presbyterian Church. He was married December 14, 1865, to Miss Jennie R., daughter of Major Z. R. Martin, a prominent citizen of Circleville. They have three children, Florence B., Jennie B., and Marguerite B. The judge has gained a handsome competence and resides with his family in one of the most tasteful and elegant homes in the city. Referring to his standing in his profession and as a citizen, one of the well known members of the Pickaway county Bar remarked: "Judge Courtright is a very successful lawyer and has a very large practice, which is a general one and reaches all the courts of the State; he is able both as a trial and as a chancery lawyer; he is quick to grasp the facts in a case and is accurate in his judgment; he is strongest possibly as a trial lawyer. Before a jury he is very effective; in his addresses he is both eloquent and logical and builds up a convincing argument. He is thoroughly reliable, and one of the things that have contributed to his large clientage is the perfect candor and fairness with which he has treated all who approach him for legal advice. As an attorney he stands high in his profession and has the confidence and respect of his brethren in the practice wherever he is known."

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and created a high reputation for legal acumen. Referring to his standing in the profession and as a citizen, a prominent practitioner of the Coshocton Bar observed:

"There is not a man in Coshocton county who is more highly respected as a citizen than Judge Pomerene. He is a gentleman both by nature and education. He is upright in his intercourse with his fellow citizens, and has a thorough appreciation of the rights of others. He is a man of firm convictions, though not dogmatical in enforcing his views on others. He is open, frank and sincere in his manners, and has the confidence and esteem of all those who come to know him well. As a lawyer he has long been one of the foremost at this bar. He is conscientious with his clients and is regarded as a safe counsellor. He had a large practice before he went on the Bench, which was of a general nature, though he had more chancery practice, perhaps, than business in open court. He is recognized as one of the best read lawyers in this section of the State, and is eminently qualified for the judicial ermine"

Judge Pomerene has honored his profession and his profession has honored him. When, in 1892, he was nominated by the Democratic party as their candidate for one of the judges of the Fifth Judicial District, the selection was at once recognized as one of peculiar fitness, and he received the actual or quiescent endorsement of all other political parties in every county in the district. This compliment to his worth and ability appears in a much stronger light after the fact is known that both his colleagues on the Circuit Bench are of opposite political faith. Concerning his characteristics as a judge, said an old and able practitioner of the central Ohio Bar:

"Judge Pomerene is an able jurist. He is adapted by nature and education for a judge. He has an equitable mind, and is well grounded in the principles of the law. He is clear and concise in his statements of questions of law, and eminently just in his decisions. He is conservative and safe rather than brilliant, and his judgment has been well sustained by the Supreme Court. The purity of his life, the honesty of his purpose, and his close adherence to the practice of law, to the exclusion of everything else since he entered the profession, are other elements of his character that have raised him in the esteem of the members of the Bar in the district. He has maintained himself well in the position of judge and fully met the expectations of those who placed him there."

In his political faith Judge Pomerene is Democratic, though he has never been conspicuous in party politics. He was a member of the board of education for ten years. He was married in 1862, to Miss Irene Perky, daughter of Dr. John F. and Julia Perky, of Hancock county, Ohio. They have three children—William R., Frank E. and Helen. William R. was born March 19, 1864. He received his primary education in the public schools of Coshocton, graduating from the high school in the class of 1879. He then entered Wooster College, but finished the course at the Ohio State University, at Columbus. He studied law for one year in his father's office, after which he entered the Law School of the Cincinnati College, from which he was graduated in 1886. He was admitted to the Bar the same year, and entered on the practice of law at once, in partnership with his father, under the firm name of J. C. & W. R. Pomerene. This association continued until the senior member of the firm

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went on the Circuit Court Bench. He was alone in the practice thereafter until 1895, when his brother came into the business. Frank E. Pomerene was born March 25, 1868. He was graduated from the Coshocton high school in 1885, and from the Ohio State University in 1891. He read law in the office of W. R. Pomerene for two years, and graduated from the Law Department of the Ohio State University in 1895. He was admitted to the Bar in June, 1895. He began the practice of his profession at once in partnership with his brother, and is now the junior member of the firm of Pomerene & Pomerene. The young men are maintaining themselves well in their practice, and are highly spoken of by the profession.

PALMER C. SMITH, Circleville. Mr. Smith is a native of New York, where he was reared until he reached his majority. He was born near Whitestown, in Oneida county, July 31, 1823. His parents were Joseph O. and Harriet (Cone) Smith, both natives of New York and of English extraction. Both families were also early settlers, coming to America in colonial days. Our subject traces his ancestry back to Plymouth Rock and the good ship Mayflower, hence comes of the real pioneer stock. Mr. Smith's parents were agriculturists and he was raised on a farm and received a good academic education, working on the farm in the summer season and attending school in the winter. On attaining his majority he came to Ohio, stopping first at London, where he obtained a position as teacher in the public schools. He followed this avocation for two years, occupying his leisure hours in fitting himself for the legal profession in the office of his brother-in-law, Honorable H. W. Smith, of London. He was admitted to the Bar December 1, 1846, at the old Supreme Court House in Columbus. He entered on the practice of his profession the following spring at Circleville, where he has been in continuous practice ever since. In 1849 he formed a partnership with Judge Jones, who later removed to Delaware, Ohio. This connection continued until 1856. Early in his career Mr. Smith took rank with the leading attorneys of the county, and though he did not affiliate with the party in power he was twice elected to the office of city solicitor, and once elected prosecuting attorney of Pickaway county in the earlier years of his practice. He has the distinction of being the oldest practicing attorney in Pickaway county, and among the best all around lawyers in this section of the State. He is purely a lawyer and has a high appreciation of his profession, and has never slighted it to engage in any other calling or avocation. His practice is general and he has a very large clientage both in court and chancery practice, and reaches all the courts of the State and in the District and Supreme Court of the United States. He is an easy and graceful speaker, cautious, logical and convincing before a court or jury, and has the reputation of always being fair in the treatment of his opponents. The present firm of Smith & Morris was formed June, 1877. Despite his seventy-four years, Mr. Smith is one of the most active attorneys at the Circleville Bar, and has the

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appearance of a man many years younger. He is sprightly as a man of fifty and has the same easy bearing, jovial disposition and entertaining manners that made him a favorite both in the profession and out of it forty years ago. In his political principles Mr. Smith is a Republican, and as he is a man of positive convictions on any subject, is naturally of the stalwart kind, and has been an active worker at times in support of his party. He has repeatedly been chosen chairman of the county executive committee and many times delegate to State conventions. He was married December 14, 1858, to Miss Sarah Osborn, a native of Columbus, and daughter of Ralph Osborn, one of the early settlers of Circleville, and for nearly seventeen years auditor of State. Three daughters are the fruits of this union. Said one of the leading practitioners of the Circleville Bar, referring to Mr. Smith's standing in the profession:

"Mr. Smith belongs to that class of lawyers who have always been an honor to the profession. He has not belittled it by turning aside for honors in any other calling. He is a man of scholarly attainments, has always been a close student of current literature as well as of his law books. He has one of the finest law libraries in the county and is recognized as one of the best read lawyers at this Bar. He has stood in the front rank at this Bar for many years and has a large and lucrative practice. He is a good all round lawyer, but is strongest perhaps as a trial lawyer, and as such we have no better in this section of the State. He is quick to perceive both the strong and weak points in a case, and is an adept in bringing out the weaknesses of his opponents, though he never stoops to take a mean advantage. He is both strong and impressive before a jury, and is a successful attorney. Personally he is one of the most companionable of men. He is an entertaining conversationalist, possesses a large fund of humor and a word of cheer for everybody he meets, either in his office or on the street. He has the respect and esteem of the profession, and no man is held in greater respect by the public than is Palmer C. Smith."

THOMAS A. LOGAN, Cincinnati. Thomas Ackley Logan was born in Philadelphia, Pennsylvania, January 25, 1829. He is the son of Cornelius Ambrosius Logan and Elizabeth Ackley Logan, who were the parents of a family remarkable for its intellectual and artistic achievements. The father had been educated for the priesthood, but after a varied experience as a seaman, editor and dramatic writer, he became an actor, in which profession, both in tragedy and comedy roles, he was very successful. He wrote several popular plays and a celebrated defense of the stage, as well as various tales and poems. His son, a brother of Thomas, was a distinguished physician, writer and editor, and also minister of the United States to Chili, Guatemala and again to Chili. The daughters were Eliza, Olive and Celia, the two former being celebrated actresses, and Olive and Celia both well known writers. Thomas A. Logan prepared himself in early life to engage in business, but Judge Key, of the Commercial Court of Cincinnati, was attracted to him by his clear testimony in an equity case pending in his court and induced the

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Alex. B. Huston

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and right, a love for domestic life and the society of his family; he delights in the association of friends, enjoys keen humor and reads Shakespeare as a literary dessert after the day is done. He is "to the manner born," indeed; a son of Paul C. and Esther Phillips Huston, who resided at his birth, December 7, 1829, in Colerain township, Hamilton county, Ohio. He comes from sturdy stock. His ancestors on his father's side were Scotch-Irish; on his mother's, English. His great-grandfather, John Huston, emigrated from County Antrim, Ireland, in colonial times and settled in Berks county, Pennsylvania. He was a soldier in the war for independence and was killed, or died from the effects of exposure, at the battle of Brandywine. His grandfather, Paul Huston, with two brothers, Samuel and David, came to Cincinnati in 1794, with but $150 in silver, for which he was offered large tracts of land in and near the town, but like many others, he preferred to push out into the wilderness, and following the trail of General St. Clair's army he located on a large tract of land in Hamilton county, near its northern boundary, erecting thereon a frontier log cabin (that gave way in 1834 to a substantial brick house, which has been the family homestead ever since), in which the subject of this sketch was born; and to this day the neighborhood is known as the "Huston Settlement," in honor of his grandfather, father and brothers, who constituted in large measure the citizenship of that community. What is now known as the Cincinnati and Hamilton turnpike was for many years designated "Huston Road." Paul C. and Esther Huston lived together fifty-four years. To them ten children were born, seven sons and three daughters, the fourth in the order of birth being Alexander B. Huston. His early boyhood was spent on the farm and in attendance at the township school, where his love for books asserted itself, and his ambition to attain knowledge was his pre-eminent characteristic. He began the studies of Latin and French in the district school, and in his fourteenth year entered Cary's Academy, which during his term became Farmers' College. Associated with him were ex-President Harrison, Bishop Walden, Murat Halstead, Honorable Lewis B. Gunckle and the Nixon brothers of the Chicago *Inter Ocean*. He was graduated in his eighteenth year, having remained in school one year longer than necessary on account of his youth. Three years later he received his A. M. degree, and subsequently became a director in the college. As a student he was equally proficient in mathematics and the classics, preferring the latter. In 1848 he began the study of law, clerking during the day in the office of County Clerk Edward C. Roll, and later as chief deputy under James McMasters. He was admitted to the Bar in 1852, and after a lapse of two years began the practice of his profession, in which he has attained marked distinction both as lawyer and judge. In 1856 he formed a partnership with Edwin D. Dodd, which continued to 1864 as Dodd & Huston. Following the death of Mr. Dodd he was executor of his estate, in the execution of which trust he was associated with Judge Patrick Mallon, who says of him, "Mr. Huston was a diligent, careful and painstaking lawyer and an honest and upright man." From 1866 to 1875 he was associated in

practice with C. K. Shunk, and from 1881 to 1884 he was a partner of John R. Holmes, as Huston & Holmes. In politics he is a Jacksonian Democrat; always taking an active interest in party affairs and frequently being honored with nominations for office from its conventions; first, in 1881, for Judge of the Court of Common Pleas, but with his entire ticket was defeated; again, in 1884, he was nominated for judge of the Circuit Court and again defeated with his ticket. In October of the same year, however, a vacancy occurred on the Common Pleas Bench, to which Governor Hoadley appointed Judge Huston, who at once assumed the duties of the office. In the fall of 1885 he was unanimously nominated by his party for the same position and was elected by a handsome majority, evidencing his popularity as a judge. In the fall of 1886 he was renominated unanimously to succeed himself, but was defeated with his party. His term expired February 9, 1887. In 1893 he was endorsed by the Independent Citizens' Party and placed on its ticket for Common Pleas judge, without his consent, which nomination he declined. In law he had the advantage of study and training under both the common law practice and the civil code, and throughout, his professional career has been methodical, earnest, conscientious; characterizing his professional life with a high regard for his associates at the Bar. As a judge he was kind and gentle; he listened with patience to the arguments of counsel, diligently and carefully examined the merits of every case at issue before him, considered and weighed, with the single purpose of being just, every authority presented, and formed his decisions upon foundations of law, that to him at least were incontrovertible. As a consequence his decisions were generally sustained by the reviewing courts. Finally, as a lawyer and judge he is the embodiment of honesty of purpose, has a keen, discriminating, logical mind, a quick perception and grasp of legal principles, and a very high sense of the responsibilities of his profession. "A case well prepared is more than half won," summarizes his professional life in his own favorite saying. He was married December 27, 1871, to Alice M. Griswold of Toledo, Ohio, a direct descendant of Revolutionary stock. Her great-grandfather on her mother's side, Roger Welles, was a friend of Washington and served on the staff of General La Fayette. Three children bless their home, the eldest Paul Griswold, born June 22, 1873, a graduate from Woodward High School and also of Princeton University, where he is now taking a post-graduate course, studying for the Ph. D. degree; Francis Phillips, born May 18, 1879, and Alice Welles, born June 5, 1884. His home evidences the rare accomplishments of his wife, ornamented with exquisite carvings of her execution; a cabinet filled with rare editions of Shakespeare tells the story of his love for the play. Other cabinets loaded with hundreds of specimens of minerals and fossils indicate his love for the abstract in nature. In his early manhood he took a great interest in Masonry, in which he attained the honor of having conferred upon him the thirty-third degree. He is also a member of the Mystic Shrine. He is a litterateur of great scope of reading, and enjoyed, prior to the loss of his voice in 1874, which was, however, recovered in about three years, a more than local reputation for his dramatic delineation of char-

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acter in public readings. In 1860 he was one of the prime movers in the organization of "The Shakespeare Club," an organization that became very popular with literary circles in Cincinnati, continuing for more than twenty years. He was the first president of the Cincinnati Gymnasium, in which organization he has ever occupied a position as foster parent, and takes great delight in its continued success; with intellectual development he firmly believes in the development of the physical man. His family are members of the Presbyterian Church, with which he has been connected for twenty years. Epitomizing, the judge is an ideal man in his profession, in his home and in society.

PATRICK MALLON, Cincinnati. Patrick Mallon, ex-judge of the Common Pleas Court of Hamilton county, Ohio, was born in County Tyrone, North of Ireland, March 17, 1823. His parents, Bartholomew and Mary (Magurk) Mallon, were natives of North Ireland, as were their ancestors for many generations. They came to this country in 1827, locating near Saratoga Springs, New York, where Patrick received his early education. At fifteen years of age he entered Washington Academy, Cambridge, New York, from which institution he was graduated in 1841. He commenced the study of law in Troy, New York, and upon coming to Cincinnati, in 1845, resumed that study in the law office of the late Judge Alphonso Taft, and was admitted to practice in 1848. He immediately thereafter entered into a partnership with Judge Taft and Thomas M. Key, under the firm name of Taft, Key & Mallon, which partnership was dissolved by the withdrawal of Mr. Mallon, who then became associated with the late W. C. McDowell, under the firm name of Mallon & McDowell. This partnership was dissolved in 1857, Mr. Mallon taking a seat upon the Common Pleas Bench, to which he had been elected as Democratic nominee in the fall of 1856. In 1862 he received a renomination to the Common Pleas judgeship by his party, and was defeated, then forming a law partnership with Christian Von Seggern, with whom he was associated for six years. In 1870 he formed his present partnership association with John Coffey, the firm having since been augmented by the accession of Guy Mallon, the son of Judge Mallon, who, in 1888, became a member of the firm, which is now known as Mallon, Coffey & Mallon. Since his retirement from the Bench, Judge Mallon has been twice honored with the unsolicited nomination of his party for a judgeship, but the party was defeated both times. He has never been an aspirant for political preferment, but accepted a position on the board of trustees of the Cincinnati University, of which he was a valuable member for six years. Both in his service as judge and his career as an advocate, the same leading characteristics were ever present. His nature was essentially sweet, honest and pure. Upon the Bench this character was made manifest by the patient, considerate hearing given every cause. He knew no friend to favor; he had no enemy to punish. No suitor or attorney left his court feeling that his case had not been fully considered. His decisions were

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or the War of 1812–14. Colonel Weldy was reared on a farm, and his early education was obtained in the public schools of Fairfield county. At the age of eighteen he entered the Ohio Wesleyan University at Delaware, continuing his studies there for three years. In 1855 he took up the study of law in the office of Colonel P. Van Trump, of Lancaster, and was admitted to the Bar June 10, 1857. Soon after he began the practice of his profession at Lancaster, alone, which he continued until 1861. In August of that year he entered the regular army of the United States as first sergeant of company I, Second Battalion, Eighteenth Regiment. Later he was promoted to first lieutenant in the First Regiment. This position he held until the reorganization of the army in 1866. On July 28th of that year he was promoted to a captaincy in the Twenty-third Infantry, holding the position until he resigned from the service in 1869. During the Rebellion he was with his regiment in the battles of Mill Springs, Kentucky, Shiloh, siege of Corinth, battle of Iuka, the siege of Vicksburg, siege of Jackson, Mississippi, and after the fall of the latter place, went with his regiment to New Orleans, where he remained to the close of the war. In 1863 he was appointed judge advocate of the eastern district of Louisiana; later he was appointed judge advocate of the military division of the South under General Phil. Sheridan. In 1866 he was ordered to resume command of his company in the Twenty-third Regiment, at Benicia, California. From there he was transferred to Fort Vancouver, Washington Territory, reporting to General George Crook. He was placed in command of Fort Dalles on the Columbia river, in Oregon. Later he was ordered to establish a post on Willow creek in southeastern Oregon, for the protection of the mining interests of that section and adjacent settlements against the Indians. From there he was ordered to Harney Lake, to which he built a road 400 miles in length, now known as "Weldy's Cut Off" His last army service was the erection of a four company post, but he resigned before the work was fully completed. After leaving the military service he returned to Ohio and located at Logan, where he has been in the active practice of the law without intermission up to the present time. For twenty-seven years Colonel Weldy has been a conspicuous figure at the Bar of southeastern Ohio. His practice is general and extends into all the State and Federal courts. He was admitted to practice in the Supreme Court of the United States on motion of Honorable Henry Stanbery, January 25, 1867. Since he left the army Colonel Weldy has permitted nothing to interfere with his law practice. Though he is a member of the dominant party in his district, and is a man of recognized ability, possessing qualifications that fit him eminently for high official positions, he is too firm in his convictions and fearless in promulgating them to become an ideal party leader. He was elected in 1883 to represent Hocking county in the State legislature and served one term, during which he was recognized as one of the most active members on the floor of the House. He introduced a measure in the first session known as the "Anti-Intimidation Bill," which had for its object the punishment of mob leaders who were guilty of destroying property or interfering with the personal liberty of property

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profession wherever he was known. His legal ability was of a high order, though he was not as conspicuous as a trial lawyer as were some of lesser strength. He was a little slow, perhaps, in coming to a conclusion on controverted points, but when he did settle the matter to his own satisfaction he was immovable and almost invariably right. The one characteristic that most endeared him to the public, and incidentally brought him much of his practice, was his uniform courtesy and affable manners. There was nothing hypocritical in this nor masquerading for effect; he was one of nature's noblemen. He was one of the most successful lawyers of the Champaign county Bar, and deserves to be classed with the best."

Said another member of the Bar, a former student of General Young's:

"The professional side of General Young's life is pretty well understood in this section, but there were other sides less generally known. He has, perhaps, done more for young men entering the profession than is common with practitioners of his standing and practice. He would take hours of his time at one sitting in explaining and impressing on the mind of the learner important principles of the law. He was not only a conscientious instructor, but was also a most faithful friend and adviser of the young man beginning the practice. He was successful in a business way as well as in the practice of his profession. His investments were made with rare foresight, and the fortune he accumulated was as much the fruit of his business sagacity as of his legal acumen. He was unassuming in his manners and did not proclaim his charities from the house tops, but there are many who have cause to revere his memory."

In his early life General Young affiliated politically with the Whigs, but in 1836 he became convinced that the Democratic party came nearer embodying the correct principles of true democracy, and being a man who governed his acts by principle, he therefore acted with that party. He was a Democrat, not a secessionist, nor a follower of Calhoun or Vallandigham. Prior to 1860 he was a general in command of State militia, and during the war was a strong supporter of the Union and took an active interest in the military organizations of the State. He was twice the nominee of his party to represent the district in Congress, but there being an adverse majority of some four thousand he was never elected to the office, though on both occasions he ran far ahead of his ticket, being particularly strong in his own county. He was a public-spirited citizen, and always ready to lend a helping hand to every enterprise that promised to be of benefit to the public. He was instrumental in organizing the Third National Bank, one of the strongest financial institutions in the county, and was its president from its inception to 1893, when, because of the infirmities of age, he declined further official connection with it. He was a member of the Presbyterian Church and an active supporter of church charities, as he was in fact of everything of a charitable nature. He was married August 29, 1838, to Miss Elizabeth J. White, daughter of Joseph White, of Champaign county, whose immediate ancestors were pioneer settlers of the Miami valley. She died in 1893, at the age of seventy-four years. There are three surviving children of this union: Robert, married and residing at the family homestead, and engaged in business in Urbana; Frances, the wife of Colonel Frank Chase; and Carrie, the wife of E. M. Barber, formerly of New Haven, Connecticut, but now residing and engaged in manufacturing business at Piqua, Ohio.

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John L. Vance

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John K. Stone

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JOHN L. VANCE, Gallipolis. John Luther Vance, lawyer-journalist, is the son of Alexander and Eliza Shepard Vance, the former a native of Shenandoah county, Virginia, the latter of Gallipolis. He was born July 19, 1839, in the town where he has always resided, and received his early education in the common schools. He sprang from patriotic ancestry, in which the Scotch-Irish blood mingled with that of the cavalier. His paternal ancestors emigrated from County Tyrone, Ireland, to France, and later came to this country, settling in Winchester, Virginia, in 1735. His great-grandfather, Robert Vance, was a first lieutenant in the War of the Revolution. His mother's grandfather also served in the patriotic army of the colonies. His grandfather, John Vance, was born in Culpepper county, Virginia, before the Revolution, was married to Mary English, and removed to and settled in Ohio in 1815. His maternal grandfather, Luther Shepard, settled in Gallipolis during the territorial period, served as an officer in the War of 1812, and during part of the time was commandant of the post at Chillicothe, Ohio. His father, Alexander Vance, was a lawyer and newspaper man during the greater part of his life, and held many positions of honor and trust. He served in the Union army during the Rebellion as captain in the Fourth Regiment of West Virginia Volunteers, entering the service in 1861. During the spring and summer of 1862 he rendered service as provost marshal general in the Kanawha (West Virginia) district; and later, in 1863, was one of the engineers in charge of the construction of the canal at Vicksburg, Mississippi. His duties were arduous and difficult. By exposure he contracted rheumatism, which seriously affected his heart, and compelled his resignation from the army, and later on resulted in blindness and death. This introduction, tracing the genealogy of John Luther Vance, is instructive as affording some insight into his prominent characteristics. From early boyhood the subject of our sketch exhibited tenacity of purpose, and the generous traits which are attributed to the Irish. Like his father, he was educated for the law. After taking a course in the Gallia Academy he was graduated from the Cincinnati Law School in April, 1861, and on the day following reported for duty at Gallipolis as an officer on the staff of a brigadier general of militia, and as such officer, organized the first company of soldiers in Gallia county under President Lincoln's first proclamation calling for volunteers. On the third day of June, 1861, he commenced the organization of a company for three years' service, and on the 5th of July, 1861, was mustered in as captain of the company. Afterwards he was promoted to the rank of major and lieutenant colonel, successively, and finally to the command of the Fourth Regiment of West Virginia Infantry. At different times he commanded brigades; served with the army of West Virginia, the army of the Tennessee, the army of the Cumberland, and at last with the army of the Shenandoah Valley near the birthplace of his father. He was engaged in forty-seven battles and skirmishes, including Fayetteville, Loup Creek, Charleston, the Vicksburg campaign and the siege of Vicksburg, the siege and capture of Jackson, the campaign of Mission Ridge and battles thereof, the Lynchburg campaign in

1864, and the battles of the Shenandoah Valley which followed in the summer and autumn of that year. He was attached at different times to the commands of Generals Cox, Grant, Sherman, Hunter, Crook and Sheridan. He received four wounds, one of which has occasioned and still occasions much suffering. After the war, instead of re-entering professional life and pursuing the practice of law, he engaged for a short time in transportation business on the Ohio river. This, however, was only temporary, as his taste and inclination led him into a different channel. He founded the *Gallipolis Bulletin*, in 1867, with which publication he has been connected as proprietor and editor continuously to the present time. He may, therefore, be characterized as a lawyer by education and profession, but a newspaper editor and business manager in practice. The control of a partisan newspaper naturally resulted in political activity, not without ambition to hold public office. In 1874 he was elected to Congress as a Democrat, in a district which was largely Republican, receiving a majority of nearly two thousand over Honorable H. S. Bundy. He also represented his district as delegate in two National Democratic conventions, and his county in nearly all State conventions since 1867. Retiring from Congress at the close of his term, he has since devoted his talent and energy to the work of editing his paper and the management of his large business interests. Since leaving Congress he has declined appointment to positions of high honor, which were tendered him. In 1889 he accepted the position of quartermaster general and commissary general of subsistence for the State of Ohio, tendered him by Governor James E. Campbell. About the same time he manifested a deep interest in the treatment of epileptics, and urged the legislature to establish an asylum or hospital for that purpose. Through his efforts mainly the necessary legislation was procured, and he was appointed by the governor one of three commissioners to select a location for the institution and prepare plans for the buildings. Gallipolis was chosen for the site, and the work of construction was begun without delay. More than eight hundred patients are treated in this year of 1897, although the buildings are not yet completed. This institution is the first one in the history of the world founded and supported by a State. He is one of the trustees of the Boys' Industrial School of Ohio, by appointment of the governor. Colonel Vance is a member of the Masonic fraternity, the Grand Army of the Republic, and the Loyal Legion. He was married October 4, 1866, to Miss Emily F. Shepard, who, on her father's side, is descended from the same ancestry as himself, and is the daughter of John C. and Marie Louise Creuzet Shepard. Her grandparents, Charles and Genevieve Creuzet, were natives of France who came to Gallipolis in 1817, and enjoyed the honor, respect and esteem of a large circle of friends. Four children have been born to colonel and Mrs. Vance, one of whom died in infancy. Three sons are living: Creuzet, the eldest, holds the position of emigrant inspector in New York; John L., Jr., is National bank examiner, and Frank is superintendent of the Gallipolis and Point Pleasant Railway Company, of which company his father is the president. The late Dr. Reuben A.

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Vance, the distinguished surgeon, of Cleveland, Ohio, was a brother of the colonel. Colonel Vance has been president of the board of trade since 1889; was permanent chairman of the Ohio River Improvement Convention—embracing delegations from six States—held at Cincinnati, in October, 1895, and is the president of the Ohio Valley Improvement Association, which organization was the result of the convention. He is largely interested in other enterprises of a business character. A life-long friend of Colonel Vance, who is a prominent attorney at Gallipolis, says of him that he is well qualified by study for the law, but was moved by the spirit of the times immediately following his graduation from the law school, and thus turned out of the channel which he had marked out for himself. His brilliant war record was of great assistance in securing the majority which he received when a candidate for Congress. As a speaker he is plain but interesting in style, and since his return from Congress has been very active in public matters for the benefit of the people. He has done more than any other man of his years to promote the interests of this section. He made a good record in Congress, and has uniformly held the confidence of the people of the community. He is one of the most genial of men, takes a lively interest in the welfare of the Grand Army, giving his ear and purse to worthy comrades and all proper objects. Although the busiest man in town, he always gives attention to persons who call, and under all circumstances manifests the courtesy of a gentleman. He is frequently called upon to address public assemblies in various parts of the State and is always ready to speak in an emergency, thus evidencing the possession of unusual resources. Had his time been devoted to professional practice with the same assiduity exhibited in his business affairs, he would undoubtedly have attained high standing and distinction at the Bar. Another prominent lawyer says, he has been very active in all matters pertaining to public affairs, and is a very brave, energetic man.

JOSEPH B. FORAKER, Cincinnati. Honorable Joseph Benson Foraker, now a senator of the United States, was born near Rainsborough, in Highland county, Ohio, on July 5, 1846. His father was Henry S. Foraker, whose family had moved to the State of Ohio from Delaware because of their bitter opposition to the slave labor prevalent in the latter State. His mother was a daughter of David Reese, who left Virginia in 1802 also on account of his detestation of slavery. When barely sixteen years of age he enlisted as a private July 14, 1862, in Company A of the Eighty-ninth Ohio Volunteer Infantry. The regiment immediately went into active service. Foraker was made second lieutenant January 24, 1863. Late in the summer of this year he was sent into Ohio on recruiting service, and was on this duty when his regiment did such hard fighting and suffered such terrible losses at Chickamauga. He reached Chattanooga the night before the charge of Mission Ridge, entering his regiment as it was going into battle; instantly took command of his

company, leading it in the charge, and being the first man in the regiment over the enemy's works. He was made first lieutenant February 1, 1864. He served with the Eighty-ninth at Dalton in the Rocky Face charge, against Atlanta, and in the battles of Buzzard Roost, Resaca, Burnt Hickory, Peach Tree Creek, Hoover's Gap, Lookout Mountain, Mission Ridge, Ringgold, Kenesaw Mountain, Entoy Creek, Averysboro and Bentonville. After the fall of Atlanta he was detailed for service in the signal corps and assigned to duty as a signal officer on the staff of Major General Slocum, commanding the left wing of the army of Georgia. After the marches through Georgia and the Carolinas, he was promoted brevet captain of the United States Volunteers, and assigned to duty as aid-de-camp on General Slocum's staff, which position he held until the close of the war, being mustered out June 13, 1865. At the conclusion of the war, young Foraker returned to his studies, which for a short time he pursued at Salem Academy in Ross county. He spent two years at the Wesleyan University at Delaware, Ohio, and then went to Cornell, graduating in the classical course and in the first class, July 1, 1869. Governor Foraker has always been fond of his Alma Mater, and has taken great pride in the fact that he was the first of Cornell's children to give to her a student of the second generation, his son Benson graduating there in the class of 1893. While at college, Governor Foraker was a hard student, taking a very high stand to make up the time lost in his studies while in the army, and at the same time he read law. Upon leaving college he entered the law office of Judge James Sloane in Cincinnati, and was admitted to the Ohio Bar October 14, 1869, and entered at once upon the practice of his profession. On October 4, 1870, he married Julia A. P. Bundy, the daughter of Hezekiah S. Bundy, recently deceased, at that time a resident of Jackson county, Ohio, and for several terms a member of Congress, and an intimate friend of Lincoln. Captain Foraker had met his bride while she was a student at the Ohio Wesleyan College at Delaware, where she graduated in the class of 1868. From this union have come five children, two sons and three daughters. Foraker gave close attention to his profession, and soon impressed his fellow citizens with his ability and his high character, eventually securing a fine practice. In 1878, Judge John Baxter, of the United States Circuit Court, appointed Foraker to the position of chief supervisor of elections for the Southern District of Ohio, being selected as a "worthy, honorable and true man in every respect." His performance of the duties of this delicate and responsible position won for him the respect and confidence of the best people of all parties, and as a result he was given the nomination in 1879 for the judgeship of the Superior Court of Cincinnati, a position he held for three years, resigning by reason of ill health May 1, 1882. His associates on the Bench at that time were Judson Harmon, the late attorney-general of the United States, and General Manning F. Force, constituting a court that has always commanded the admiration and respect of the Bar of the State. Judge Foraker's success as an impartial expounder of the law was of the most pronounced character, but it was his excessively painstaking methods and unceasing hard work that made his resig-

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nation imperative by reason of its effect upon his health. This conclusion reached by him from the strong conviction that he could not retain a position to which he could not give his fullest energy was the cause of universal regret and remonstrance on the part of the Bar and the community, regardless of all party affiliations. His associates on the Bench and the leaders of the Bar, as well as the public press, endeavored to dissuade him from taking the course which alone his conscience justified. He was succeeded, by appointment by the governor, by Judge William Worthington. After recovering his health, he resumed the practice of the law in Cincinnati. In 1883 he was nominated by the Republican party to be their candidate for governor of the State, his Democratic opponent being his friend, Judge Hoadly. His nomination was the natural result of the widespread confidence and esteem of the people who knew him, and was received with great enthusiasm, even his political opponents testifying to his worth and character. He made a vigorous and creditable campaign, receiving more votes than were received by any previous Republican candidate, but was defeated. He was chosen as a delegate to the National Republican Convention in Chicago in 1884, and as chairman of the Ohio delegation, presented the name of John Sherman as a candidate for the Presidency. His speech was admirably received, and made him at once a prominent figure in the convention. He was spoken of as a suitable vice-presidential nominee, an honor to which, however, he did not aspire. In 1885 he was again nominated for the governorship, and this time was successful in defeating Governor Hoadly, for the second time his opponent. He was re-elected in 1887, defeating Thomas E. Powell, of Columbus, the nominee of the Democratic party. In 1888 he was again the chairman of the Ohio delegation in the National Republican Convention at Chicago, and for the second time presented the name of John Sherman, seconding his nomination for Ohio. In 1889 he was for the fourth time nominated for the governorship, but was defeated by James E. Campbell, of Hamilton. At the expiration of his term of office in January, 1890, he returned to the practice of the law in Cincinnati, and at once took a leading position at the Bar, acting as counsel for a number of important corporations, and appearing in many of the most important causes before the courts of the State and the United States. In 1892 he was the candidate of a large section of his party for the senatorship from Ohio in succession to John Sherman, but Mr. Sherman was able to gain the caucus nomination and subsequent election. In 1892 he was again a delegate to the National Republican Convention at Minneapolis, and served in that body as chairman of the committee on resolutions. After retiring from the governorship, he took an active part in each political campaign, and in 1895 the Republican State Convention of Ohio, at Zanesville, unanimously endorsed him as the party candidate for United States senator to succeed Calvin S. Brice on March 4, 1897. In the State contest of 1895, the United States senatorship was one of the issues of the campaign, and as a result the legislature that was elected was overwhelmingly Republican, and Foraker was chosen senator in January, 1896. At the Republican National Conven-

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tion in St. Louis, in 1896, he was again chairman of the committee on resolutions, and for Ohio placed Mr. McKinley in nomination as the candidate for the Presidency. In his service in the army, in politics and at the Bar, Governor Foraker has been distinguished for his courage, fearlessness, aggressiveness, untiring energy and uniform courtesy. He is a singularly handsome man, with a remarkably pleasing manner that charms friends and foes alike. He is remarkable for the warmth and number of his friendships, as well as for the aggressiveness in his opposition to those whom he deems his opponents. Naturally, in such a long and active participation in politics, he has encountered many who have most violently disagreed with him, but such disagreements have but in rare instances gone beyond the field of politics. In private life he is esteemed of all men, and his winning personality impresses most favorably all with whom he comes in contact. As a judge, he won the unqualified admiration and respect of all; his withdrawal from that position and his subsequent active participation in public affairs have always been regarded as a loss to the Bench, where it is confidently believed he would have won still greater distinction in a field of larger scope. As an advocate, he is very forcible, his eloquence, charm of manner and earnestness, backed by his thoroughness of preparation, making him very effective both before a court and jury. His manner of address combines aggressiveness with courtesy, suavity with sarcasm and humor, and shows at all times his tremendous energy and his ultimate capacity and willingness for hard work.

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